

201048

DM&E POWDER RIVER BASIN EXPANSION PROJECT

PUBLIC MEETING

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Pierre, South Dakota

Monday, November 13, 2000

## P R O C E E D I N G S

(1:00 p.m.)

1  
2  
3 MR. GARDINER: Folks, if we can get  
4 started. Thank you very much. My name is  
5 Charles Gardiner. I am this afternoon's  
6 facilitator. My role is to help make this  
7 meeting as productive as possible, both for  
8 the project team and for all of you. I'm  
9 going to spend a minute reviewing a couple of  
10 logistical items, and then we're going to  
11 have a short presentation from the project  
12 team and then get to the public comment  
13 period.

14 First, I wanted to cover just our  
15 main purpose. We want to cover a couple of  
16 things from the project team's side. First,  
17 we want to describe the roles of the various  
18 federal agencies that are involved in  
19 reviewing the DM&E -- proposed DM&E project.  
20 We want to provide a brief overview of the  
21 project, very brief; and a brief description  
22 of the results of the environmental review

1 that are included in the Draft Environmental  
2 Impact Statement. And then most importantly,  
3 we want to hear comments from you.

4 Those of you who have come with  
5 comments, we want to provide sufficient time  
6 to hear those comments on the Draft  
7 Environmental Impact Statement. Our agenda  
8 is in line with that set of purposes. We  
9 have some brief introductions of the team and  
10 some meeting ground rules, and a description  
11 of the Surface Transportation Board's role.  
12 That's the leading federal agency on this  
13 project. A description of the cooperating  
14 agency roles, the other federal agencies that  
15 are involved in preparing the Draft  
16 Environmental Impact Statement; and then a  
17 brief overview of the project and the  
18 environmental review. And as I said, our  
19 most important reason we're here is to hear  
20 your public comments.

21 Let me -- before I do the ground  
22 rules, let me explain a couple of the

1 materials that we have that I hope you have  
2 in your hands. The first is this blue sheet,  
3 which is the agenda. It also has attached to  
4 it a sheet on the process of speaking, how we  
5 handle the public comment period, the ground  
6 rules and so forth.

7 And it also has, to submit written  
8 comments -- on the back of that sheet there  
9 are a listing of the addresses to submit  
10 written comments, either on the Draft  
11 Environmental Impact Statement or on some of  
12 the specific application -- permit  
13 applications. So there are specific  
14 addresses. So that's where you can send  
15 written comments.

16 You'll also note we have more at  
17 the front desk, a sheet that looks like this,  
18 a white sheet. It is a comment sheet. You  
19 certainly can fill that out today if you have  
20 comments and leave that with us, or fill it  
21 out and mail it in by the comment deadline.  
22 The comment deadline is January 5th, 2001.

1 So there's still plenty of time to provide  
2 written comments. And if you're providing  
3 written comments, you can certainly write  
4 them on another piece of paper. You don't  
5 have to use this. If you have comments  
6 today, you're certainly welcome to do that.

7 Also, there is a half of a sheet, a  
8 white half of a sheet at the front desk. You  
9 may not have all picked that up, but we  
10 recognize that some of you may have  
11 procedural questions: When is the comment  
12 deadline, where can I get the document, and  
13 that sort of thing. What libraries it's  
14 available, and so forth. That's what this  
15 sheet is for.

16 If you have questions you would  
17 like us to answer today, our purpose today is  
18 not really to answer questions about the  
19 Draft EIS. We want to hear your comments on  
20 the Draft EIS. So if you have questions  
21 about why you analyze something a certain way  
22 or why were certain things considered, those

1 are best formulated as comments: The Draft  
2 EIS is not clear to me about why you did  
3 this. A Draft EIS needs to include this  
4 information. Those are best put as comments.

5 But if you have questions about  
6 just the process or how to get access or how  
7 to write comments and so forth, use this and  
8 we'll try to collect those. If you have  
9 comments today, we'll collect them when we  
10 take a little break later and try to answer  
11 some of those procedural questions. So  
12 that's the purpose of this meeting.

13 The last sheet is this short half  
14 pink sheet. And that's just the -- lists the  
15 website for the Surface Transportation Board,  
16 the environmental document's available on  
17 that, if you're connected online. It also  
18 has the environmental hotline where you can,  
19 again, call if you have procedural questions.  
20 Generally the hotline is not a place to  
21 provide comments on the environmental  
22 document. We'd prefer to get those here

1 today. You were invited. But if you do have  
2 questions, the hotline is the place to start.

3           So let me quickly just review the  
4 ground rules that we want work with. We have  
5 about 35 people who are signed up to speak,  
6 so we want to move quickly through those and  
7 give everybody an opportunity to speak. We  
8 are limiting the oral comments to three  
9 minutes in order to give everybody a fair  
10 opportunity to be heard. And I would like to  
11 have one person speaking at a time. It's  
12 quite confusing. We have a court reporter  
13 who is recording the comments, so it's very  
14 hard for her to record two people talking at  
15 once. So I think that's an important one.

16           We want to hold comments and  
17 questions until it's time for those. And  
18 again, it helps the court reporter record  
19 things as accurately and completely. We do  
20 want to honor the time limits that we set.  
21 Again, that's for the benefit of the folks up  
22 here on the project team to be sure that they

1 hear from everybody. But it's also for your  
2 benefit, as well. People who are at the end  
3 of the list want their fair opportunity to  
4 speak, as well. If you're at the front end  
5 taking more time, it cuts into the time of  
6 people at the end.

7           Also, if you've come with written  
8 comments or statements, feel free to provide  
9 those and leave those with us as written  
10 comments. If it's more than about a page and  
11 a half, you won't get through it all in three  
12 minutes, and so you might start thinking now  
13 about how to summarize that and make your few  
14 points. And again, written comments are a  
15 way to provide more detailed further comments  
16 if you have that. So just a little  
17 guideline, about a page and a half is three  
18 minutes of speaking, so...

19           And the last is to respect other's  
20 opinions. We all certainly recognize that  
21 this project is controversial, that there are  
22 opinions of support and opposition. Our

1 intent here is to hear them all fairly, and  
2 we want your support at doing that. Applause  
3 and/or booing is certainly a possibility, but  
4 it cuts into people's speaking time.

5           So I encourage you to, if you have  
6 a support group here, wait until the end of  
7 their -- when someone is speaking. If you  
8 have opposition, I urge you to keep it to  
9 yourself. I don't think it's fair to people  
10 who are speaking to oppose their comments.  
11 We want to hear everybody's comments. So  
12 those are the ground rules that we want to  
13 operate by. Now is the appropriate time for  
14 everybody to nod. We want to live by those  
15 kind of rules. So that's how we're going to  
16 operate.

17           Let me just quickly introduce the  
18 folks who are here to speak. Vicki Rutson is  
19 here. She is the project manager for the  
20 Surface Transportation Board's environmental  
21 review team. She's going to be giving an  
22 overview of the Surface Transportation

1 Board's role. Steve Thornhill is here. He  
2 is the project manager for the consulting  
3 team that is -- has prepared the Draft  
4 Environmental Impact Statement, and he is  
5 going to give an overview of the project and  
6 the environmental impact review results.

7 Wendy Schmitzer is here from the  
8 Forest Service. She's going to give you a  
9 brief overview of their role in the project.  
10 And Jerry Folkers is here from the Army Corps  
11 of Engineers, and he's going to give you a  
12 brief review of what their role is in the  
13 project. So those are the people we have.

14 And without further adieu, we will  
15 launch into a very short presentation just to  
16 give an overview of everyone, and then we'll  
17 get to the comment period. Thank you.

18 MS. RUTSON: Thank you, Charles.  
19 Can everyone hear me? Too loud? Okay. If  
20 you have trouble hearing, just raise your  
21 hand. As Charles said, I'm Vicki Rutson.  
22 I'm an attorney with the Surface

1   Transportation Board in the Section of  
2   Environmental Analysis review. I would like  
3   to quickly tell you a little bit about what  
4   the Board is and what the Board is doing with  
5   the DM&E proposal.

6               The Board is a small agency located  
7   in Washington, D.C., who are called an  
8   independent adjudicatory agency. And one of  
9   the things the Board is responsible for is  
10  reviewing and licensing new railroad  
11  proposals. The Board itself is composed of  
12  three members: a chairman, a vice chairman,  
13  and one board member. So it's a three-member  
14  board.

15              Now, in December of 1998, the DM&E  
16  Railroad filed an application with the  
17  Surface Transportation Board seeking the  
18  Board's approval of a new rail line  
19  construction that would extend DM&E's current  
20  line into the Powder River Basin in Wyoming.  
21  That application triggered two processes at  
22  the Board. One process is called the

1    Transportation Merits. That's handled by a  
2    different part of the Board. What the Board  
3    looks at in reviewing the transportation  
4    merits of a proposal is whether the applicant  
5    making the proposal is financially fit,  
6    whether the proposal itself is in the public  
7    interest, and whether there's a public need  
8    for the proposal.

9                    In December of 1998, the Board  
10   reviewed these three criteria for DM&E's  
11   proposal and issued a decision finding that  
12   DM&E's application met those three tests.  
13   The Board made it very clear in its  
14   December 10th decision, however, that it  
15   didn't have all of the information in front  
16   of it in order to make a final decision. The  
17   environmental review process had just started  
18   at that time, and there could be no final  
19   decision until the Board had all of the  
20   information from the environmental review  
21   process in front of it.

22                    So that brings us to the state we

1 are at now. The environmental review process  
2 is composed of many steps, and we've gone  
3 through several of those already. We held  
4 public scoping meetings some time ago. We  
5 received comments from the public on the  
6 scope of the Draft EIS, the Environmental  
7 Impact Statement.

8 Now, September 27th, 2000, we  
9 issued the Draft Environmental Impact  
10 Statement. And we're now seeking your public  
11 comments on the Draft Environmental Impact  
12 Statement. The purpose of the Statement was  
13 to let everyone know what we believe to be  
14 the potential environmental impacts of DM&E's  
15 proposal and potential environmental impact  
16 of all reasonable and feasible alternatives  
17 to that proposal.

18 The document is also intended to  
19 inform the public of what we're thinking. To  
20 let federal, state, and local agencies know,  
21 affected communities, the general public and  
22 tribes, to let them know what we're thinking

1 in terms of the potential environmental  
2 impacts. The Statement also sets forth some  
3 preliminary findings and some preliminary  
4 recommended mitigation measures.

5 The important thing, though, is  
6 that we need public comment now on the Draft.  
7 As Charles said, the comments are due at this  
8 point at January 5th, 2001. The Board  
9 provided a 90-day comment period because we  
10 understand that the document is quite large  
11 and that the proposal is complex. So we  
12 provided twice the normal comment period on  
13 the Draft. I know a number of you believe  
14 that we need more comment time and that 90  
15 days is inadequate. That's certainly a fine  
16 comment to make, and we're happy to hear  
17 that, as well.

18 The next step in the process. At  
19 the close of the public comment period, we'll  
20 be preparing a Final Environmental Impact  
21 Statement. When we're done with that, we'll  
22 then give all of that information to the

1 decision-maker, and the decision-maker will  
2 then have to make a final decision on DM&E's  
3 proposal. At that point, all of the  
4 information will be in front of the  
5 decision-maker on the table, the Draft  
6 Environmental Impact Statement, the Final,  
7 and all of your public comments, as well.

8           The Board will then have a choice  
9 to make. And there are three choices the  
10 Board can make in reviewing DM&E's proposal.  
11 It can either approve the proposal that DM&E  
12 made originally; it can approve the proposal,  
13 but only if certain conditions that would  
14 mitigate potential impacts are implemented;  
15 or, the Board could deny DM&E's proposal.  
16 Those are the three choices. And the Board  
17 will issue a decision, making one of those  
18 three choices when all is said and done.

19           Now, the Board isn't working alone  
20 in this environmental review process. We're  
21 working -- we're the lead agency, and we're  
22 working with five other federal agencies.

1 The Board is the lead, and the five other  
2 agencies are called the cooperating agencies.  
3 Those other agencies are the Forest Service,  
4 the Army Corps of Engineers, the Bureau of  
5 Land Management, the Bureau of Reclamation,  
6 and the Coast Guard. As Charles explained,  
7 we have representatives from two of those  
8 other agencies with us today, and they'll be  
9 explaining a little bit about what their  
10 agencies do.

11 The EPA also has a role in this  
12 process. The EPA will be reviewing the Draft  
13 Environmental Impact Statement as DM&E's  
14 proposal and issuing a rating on the  
15 statement. EPA also reviews the Corps' 404  
16 Permit Application, as well. And that's  
17 something else you're welcome to comment on  
18 if you would like to. Jerry Folkers from the  
19 Corps will be speaking more about that.

20 So with that, I'll conclude my  
21 remarks and introduce Wendy Schmitzer, who  
22 will be telling you a little bit about the

1 Forest Service. Thanks very much for coming,  
2 and I'm looking forward to hearing your  
3 comments.

4 MS. SCHMITZER: Thank you, Vicki.  
5 I'm Wendy Schmitzer. I'm with the US Forest  
6 Service, and I'm representing the Medicine  
7 Bow Route National Forest and the Thunder  
8 Basin National Grasslands in Wyoming; and  
9 also the Nebraska National Forest. I'm also  
10 representing the Fall River Ranger District  
11 and the Buffalo Gap National Grasslands of  
12 South Dakota. I'm an environmental analysis  
13 for the Forest Service, and I'm also the  
14 project coordinator for DM&E.

15 My agency is acting on the  
16 application of the DM&E Railroad for an  
17 easement crossing both of those national  
18 grasslands with new line construction, and  
19 it's up to us to disclose to you the effects  
20 of that new line construction on your public  
21 lands. So we're taking a close look at those  
22 effects and disclosing them to you in concert

1 with the other cooperating agencies. And our  
2 decision will be whether or not to grant an  
3 easement.

4 Additionally, if, in fact, a  
5 natural alternative is decided upon after the  
6 announcement is completed, we'll also be  
7 looking at revising our forest plans. So if  
8 you have comments on that, as well, we would  
9 be happy to hear you.

10 I really appreciate you all coming  
11 out today, and I'm really looking forward to  
12 hearing your perspectives and receiving your  
13 comments. And with that, I would like to  
14 introduce Jerry Folkers, US Army Corps of  
15 Engineers.

16 MR. FOLKERS: Thank you. Good  
17 afternoon. My name is Jerry Folkers and I do  
18 work for the Corps of Engineers. I'm the  
19 project manager for this project. The Omaha  
20 District Corps of Engineers will be  
21 responsible for reviewing impacts within the  
22 states of Wyoming and South Dakota. The St.

1 Paul District will be reviewing the impacts  
2 association with the project in Minnesota.

3 The Corps' permit jurisdiction in  
4 this matter is based on Section 404 of the  
5 Clean Water Act, and Section 10 of the River  
6 and Harbor Act. Corps permits are required  
7 to discharge or placement of dredged or fill  
8 materials into waters of the United States  
9 which includes rivers, creeks, and wetlands.  
10 Corps permits are issued when it's determined  
11 that the proposal is not contrary to the  
12 public interest, and the plans represent the  
13 least environmentally damaging alternative.

14 There are many factors which are  
15 considered during our public interest review.  
16 Some of these include wetlands and wildlife  
17 habitat, water quality, safety, cultural  
18 resources, flood plain values, land use, and  
19 economics. The provision of the Draft  
20 Environmental Impact Statement and comments  
21 generated by the Draft EIS and the Corps'  
22 public notice and comments received from the

1 public during these public hearings will be  
2 used to make a determination whether to issue  
3 a Corps permit. With that, I'll introduce to  
4 you Steve Thornhill with Burns and McDonnell.

5 MR. THORNHILL: Thank you. My name  
6 is Steve Thornhill. I'm with Burns and  
7 McDonnell Engineering. We are the firm  
8 that's responsible for working under the  
9 direction of the Surface Transportation Board  
10 to assist them in preparation of the Draft  
11 Environmental Impact Statement. What I'm  
12 going to do today is just take a couple of  
13 minutes to very briefly go through what the  
14 DEIS contains and what its conclusions are  
15 and hit some of the highlights, and talk just  
16 briefly about some of the mitigated measures  
17 that are proposed, just to kind of provide an  
18 overview of where we're at, and then we'll go  
19 on to receiving comments.

20 The Draft EIS contains several  
21 things. One of the things that it does is it  
22 describes the existing environment of the

1 project area. And in doing that, what it  
2 attempts to do is just paint a broad picture  
3 of what the environmental resources that are  
4 available and present in the project area are  
5 so that if someone reads it, they can get an  
6 understanding of what's out there, what the  
7 important things are, how abundant they are  
8 or where they are, and that kind of thing.

9           Also, as part of that, what it does  
10 is it looks at the different alternatives to  
11 the project that are proposed. One of those  
12 alternatives is the No-Action Alternative.  
13 Then, it takes all of those alternatives and  
14 it evaluates what the impacts of each of  
15 those alternatives would be to the  
16 environmental resources in the area.

17           As Vicki indicated earlier, the  
18 Draft EIS was provided to the public on  
19 September 27th of 2000. There is a 90-day  
20 comment period, whereby you can provide your  
21 comments on the Draft EIS, whether or not you  
22 have any questions or comments or things like

1 that. That comment period is set to conclude  
2 January 5th. That's when it closes.

3 Just real briefly to highlight the  
4 project's purpose. There really were two  
5 purposes for the project to identify. One,  
6 is by constructing into the Powder River  
7 Basin, DM&E would be provided the financial  
8 resources to reconstruct its existing system,  
9 and thereby, improve or increase its  
10 efficiencies with providing service to its  
11 existing rail shippers.

12 The second purpose in providing  
13 additional rail access to the Powder River  
14 Basin would be to provide additional  
15 competition for the transport of those coal  
16 resources found in the basin. The  
17 alternatives that were evaluated, if you look  
18 at and to fulfill that project purpose, were  
19 the No Action Alternative; Alternative B,  
20 which would be new construction of rail line  
21 along generally the Cheyenne River Valley  
22 Corridor; Alternative C, which would be a

1 modification of Alternative B, to bring the  
2 line away from the Cheyenne River and avoid  
3 sensitive areas in that region; and then  
4 Alternative D, which involves reconstruction  
5 of additional stretches of DM&E's existing  
6 line and new construction of rail line  
7 parallel and adjacent to other rail corridors  
8 in the region.

9 Just to hit some of the highlights  
10 on the project. In South Dakota, the project  
11 would involve new rail line construction to  
12 access lines in Wyoming. There would be two  
13 new rail yards constructed. The existing  
14 rail line across South Dakota would be  
15 reconstructed. And there were new  
16 construction alternatives evaluated in the  
17 Hay Canyon area, the Spring Creek area, and  
18 in and around the community of Brookings.

19 Some of the unique characteristics  
20 and concerns that were identified for South  
21 Dakota included the Buffalo Gap National  
22 Grasslands and the impacts to that resource;

1 the numerous and abundant tribal concerns;  
2 ranches and farmers along the line, both in  
3 the new construction and reconstruction  
4 portions of the project; sensitive riparian  
5 areas, particularly those along the Cheyenne  
6 River; impacts to the Angostura Irrigation  
7 District; the various communities located  
8 along the lines, both where the rail line  
9 would be reconstructed and in the areas of  
10 new construction; and the impacts associated  
11 with actions to either rehabilitate or  
12 construct a new bridge across the Missouri  
13 River here in Pierre.

14 For the State of Wyoming, the  
15 project would involve new rail line  
16 construction to access the coal lines. There  
17 would be one new rail yard constructed.  
18 There were alternatives evaluated to access  
19 the Black Thunder Mine and the North Antelope  
20 Mine. And the unique characteristics in that  
21 area that were identified, and again, this is  
22 just a synopsis. There were many, but just a

1 couple of key ones that were identified were  
2 impacts to the Thunder Basin National  
3 Grasslands and impacts to ranchers and  
4 ranching throughout the area.

5 In Minnesota, the project would  
6 involve reconstruction of DM&E's existing  
7 line. There would be new construction.  
8 There was new construction evaluated around  
9 the cities of Mankato, Owatonna, and  
10 Rochester. There would be three new rail  
11 yards constructed as part of the project in  
12 Minnesota.

13 And the unique characteristics and  
14 concerns included the many communities,  
15 again, found along the existing line; farms  
16 and farmers above the long existing line and  
17 in new construction areas. The Mayo Clinic  
18 presented kind of a unique situation.  
19 Sensitive riparian areas and wetlands  
20 throughout the state; and flood control  
21 projects located in a couple of the  
22 communities along the line.

1                   In looking at the impacts of the  
2   different alternatives, the Section of  
3   Environmental Analysis determined that there  
4   would be significant impacts to a variety of  
5   resources along the line. Not all of the  
6   project components would have significant  
7   impacts to all of these areas, but due to one  
8   or another of the different parts of the  
9   project, these impacts or these impact areas  
10  would be significantly affected.

11                  And those included the areas of  
12  safety, geology and soils, water resources,  
13  wetlands, paleontological resources, cultural  
14  resources, which includes both archeological  
15  and historical resources, threatened and  
16  endangered species, land use, noise, air  
17  quality, environmental justice, aesthetics,  
18  socioeconomics, and cumulative effects. All  
19  would be, in some way or another, affected  
20  significantly by some component of the  
21  project.

22                  The last thing that the Draft

1 Environmental Impact Statement did was  
2 propose some measures that could be  
3 implemented or could be imposed to mitigate  
4 some of the impacts of the project. In  
5 general, at this stage, because mitigation  
6 was generally designed to be applicable to  
7 any of the alternatives that were proposed,  
8 those mitigation measures involve the  
9 implementation of what would be considered  
10 best management practices, things like  
11 utilization of silt fences or straw bales to  
12 control erosion, those type of general  
13 mitigation measures that would be applicable  
14 to any alternatives.

15           There were a number of mitigation  
16 conditions that required or recommended  
17 coordination with federal, state, and local  
18 agencies in order to develop plans to address  
19 and mitigate impacts that would occur  
20 throughout the states and at the local level.  
21 But in doing all of this, the STB did  
22 indicate that many of the impacts of the

1 project are going to be difficult to  
2 mitigate, and it may not be efficient or  
3 effective to reduce the different impacts  
4 that these alternatives or projects would  
5 have.

6           So as part of that, one of the  
7 requests for comments at this time is on the  
8 mitigation measure proposed to get feedback  
9 from all interested parties and agencies as  
10 to what measures may be employed and could  
11 effectively mitigate the impacts of the  
12 project from the people who would be most  
13 affected and most familiar with the area.

14           Lastly, the STB encouraged the use  
15 of negotiated agreements, which would be  
16 agreements between DM&E and various other  
17 parties that would hopefully go beyond what  
18 the STB would be capable of imposing, and the  
19 parties would agree to and would effectively  
20 mitigate the impacts of the project and reach  
21 some kind of consensus between the affected  
22 parties as to what an affected mitigation

1 measure would be.

2 And also, as part of that, there  
3 were guidelines presented in the Draft EIS as  
4 to how those agreements need to be submitted  
5 to the Board so that they could be considered  
6 and imposed as part of any project approval  
7 that could occur. So with that, I'll turn it  
8 back over to Charles and get on with your  
9 comments. Thank you.

10 MR. GARDINER: Okay. A couple of  
11 other just quick housekeeping items. Just a  
12 reminder, as we said at the beginning, there  
13 are three ways to submit comments: your oral  
14 comments today, your written comments today,  
15 or in the future on the comment sheet. And  
16 then if you could submit comments in by mail  
17 by the 5th of January 2001.

18 And as Vicki describes, the project  
19 team agencies will be reviewing all of those  
20 comments and responding to them in the Final  
21 EIS. So the Draft EIS, the Final EIS,  
22 written comments, and the response to those

1 comments all get before the Surface  
2 Transportation Board when they make their  
3 decision.

4           These are the three items that the  
5 agencies are seeking comments on. The  
6 presentation touched on them, but just to  
7 clarify again. The Draft Environmental  
8 Impact Statement, which includes a  
9 Programmatic Agreement and a Biological  
10 Assessment. The Section 404 Permit  
11 Applications. Those are the applications  
12 before the Army Corps of Engineers relating  
13 to wetlands and waterways. And the proposed  
14 Forest Plan amendments that Wendy mentioned.  
15 So the agencies are welcoming your comments  
16 on any of those three items.

17           Just the procedures for the oral  
18 comments today, the order of the speakers is  
19 that we're recognizing federal and state  
20 elected officials first. And then the  
21 preregistered speakers, we'll take those in  
22 order of registration. And other speakers

1 who have spoken at other meetings or if you  
2 registered here, to the extent that we have  
3 time available, we will take those people, as  
4 well.

5 Again, the ground rules. Again, we  
6 have three minutes for each speaker. We are  
7 going to hold you to that. So we want to  
8 keep moving forward quickly. So you need to  
9 be concise and summarize your comments if you  
10 have written comments. And for the  
11 transcriber, if you could provide your name  
12 and any affiliation you have, that would be  
13 helpful, as well.

14 Okay. So, is Representative  
15 Volesky here to comment? Okay. Governor  
16 Janklow could not be here today, but Bruce  
17 Lindholm is here. Where is Bruce? Bruce, if  
18 you can come up. And while he's coming up,  
19 let me tell you the next folks that are on  
20 deck to speak, so if you could get ready.  
21 Dan Painter, then Doug Klutt and Steve  
22 Wagner. Those are the next people in order.

1 If you could be ready to go, that would be  
2 great.

3 MR. VOLESKY: Thank you to the  
4 members of the Surface Transportation Board,  
5 Section of Environmental Analysis, and the  
6 cooperating agencies for this opportunity to  
7 provide oral comments on the Draft  
8 Environmental Impact Statement. These  
9 comments are offered on behalf of South  
10 Dakota state government, and we will be  
11 brief. The state government will provide  
12 further comments on a variety of topics  
13 discussed in the Draft EIS, in writing, prior  
14 to the deadline.

15 All of you know Pierre, South  
16 Dakota is the capital of South Dakota. State  
17 government has offices and facilities on both  
18 sides of the tracks, and some in close  
19 proximity to the tracks. In addition to the  
20 anticipated impacts of noise, safety, and  
21 vibration at these facilities, the  
22 restriction of movement across the tracks

1 from office to office may hinder the  
2 efficiency and effectiveness of state  
3 government. In that regard, the final EIS  
4 should more completely address the impacts on  
5 the South Dakota state government.

6 The proposed bypass route around  
7 Pierre was dismissed by the STB with only a  
8 superficial review. We do not believe the  
9 environmental impacts and issues surrounding  
10 a new bridge over the Missouri River are as  
11 significant as assumed by the STB and as  
12 presented in the Draft Environmental Impact  
13 Statement.

14 Two bridges over the Missouri, one  
15 near Springfield, South Dakota, and the other  
16 near Vermillion, South Dakota, have been  
17 permitted by the Corps of Engineers within  
18 the last few years with no significant  
19 issues. This fact raises questions as to the  
20 extent of the review performed by the authors  
21 of the Draft Environmental Impact Statement,  
22 and questions why it's suggested -- it

1 questions why it is suggested that a permit  
2 to build a bypass bridge would be any more  
3 difficult to obtain than the permit required  
4 to build a new bridge 37 feet north of the  
5 existing bridge in Pierre.

6           It was always anticipated that a  
7 substantial amount of cut and fill would be  
8 necessary to construct a bypass from Pierre.  
9 However, if it was the cost that caused the  
10 STB to dismiss the Pierre bypass, it should  
11 be so stated, rather than statements  
12 regarding impacts on cultural and historical  
13 artifacts or navigation, which are presented  
14 casually as deal breakers. The State  
15 recommends the STB take a more serious look  
16 at the bypass around Pierre before dismissing  
17 it out of hand.

18           The Draft does not adequately  
19 address the issue of blocked crossings in  
20 Pierre. The amount of time the crossing is  
21 blocked is directly related to the speed of  
22 the train. It appears a higher estimate of

1 train speed was used to calculate blocked  
2 crossing time than would be expected in  
3 Pierre.

4           Train speeds will be limited by the  
5 speed of trains in order to negotiate the  
6 curve on the west side of the bridge over the  
7 Missouri. If the existing bridge is rebuilt,  
8 or even if a new bridge is rebuilt -- or  
9 built in that same location, the train speeds  
10 will likely be lower than estimated in the  
11 Draft. There's no documentation presented in  
12 the Environmental Impact Statement to  
13 establish any assumptions for train speeds in  
14 the Pierre area.

15           The Draft EIS also fails to  
16 adequately address crossing safety issues in  
17 at least three locations in the immediate  
18 Pierre area. First, the crossing of Sioux  
19 Avenue, which is Highway 34 as it goes  
20 through town, and is locally known as the "S"  
21 curve, has the highest average daily traffic  
22 of any railroad crossing in the proposed

1 project.

2           The State expects DM&E to provide,  
3 and asks that the STB require the highest  
4 level of crossing protection possible at this  
5 crossing at no expense to the taxpayers. The  
6 State must be part of the process for DM&E to  
7 determine crossing safety at every state  
8 highway, railroad crossing in the state.  
9 This is necessary to protect the health and  
10 safety of South Dakota's citizens.

11           Second, the entrance road to Farm  
12 Island State Recreation Area off Highway 34  
13 has a much higher seasonal average daily  
14 traffic than presented in the Draft EIS.  
15 This is a very popular recreation area  
16 with 190,000 visitors per year, and traffic  
17 is very heavy during the summer. This was  
18 not adequately addressed in the Draft Impact  
19 Statement.

20           A blocked crossing on this road  
21 means that vehicle and both traffic and  
22 trailer traffic back up Highway 34 creating

1 traffic and safety hazards. A turn lane  
2 needs to be added to Highway 34 to keep Farm  
3 Island traffic from blocking the highway.  
4 The STB must address this issue in the Final  
5 EIS, and we request the DM&E to be required  
6 to finance construction of a new turn lane in  
7 this area.

8 Finally, the Harrison Avenue  
9 average daily traffic count presented in the  
10 Draft EIS is incorrect. The value presented  
11 is 100; the actual value is closer to 3,800.  
12 One final point, the alignment of the new  
13 construction near Wall, South Dakota will  
14 interfere with the planned extension of the  
15 runway at the Wall airport. That extension  
16 has been filed with the FAA. We require the  
17 STB to address this issue in the final EIS,  
18 and require DM&E to alter its alignment in  
19 this area to avoid negative impact at the  
20 Wall airport. Thank you.

21 MR. GARDINER: Thank you. Okay.  
22 Coming up here Dan. Okay. Doug, could you

1 get ready? You're the next one.

2 MR. PAINTER: My name is Dan  
3 Painter. I am a resident of Pierre. I'm  
4 just here to speak on my own behalf. I just  
5 wanted to say that I am in favor of the  
6 proposed DM&E Railroad project. I think that  
7 the proposed railroad is the best opportunity  
8 for economic development that the State of  
9 South Dakota is likely to see for quite a  
10 while.

11 I was born in South Dakota, and  
12 I've been a resident of Pierre for ten years.  
13 And I realize that 40 trains a day going  
14 through Pierre are going to be an  
15 inconvenience; but I also realize that for  
16 the good of South Dakota, they can put up  
17 with this inconvenience.

18 I was a resident of Gillette,  
19 Wyoming for 20 years. Fifteen of those I  
20 lived a block and a half from the railroad.  
21 Now, I don't know how many trains a day go  
22 through Gillette, but there are quite a few.

1 And for the people living there is something  
2 you get used to. They did not keep me awake  
3 all night. We did not choke from the coal  
4 dust. The one thing you did learn is if  
5 there is somewhere you wanted to be in a  
6 hurry, you took a way that you wouldn't be  
7 blocked by train traffic.

8 So the bottom line, I think Wyoming  
9 coal is going to pay the bill for South  
10 Dakota to have a state-of-the-art railroad.  
11 And the alternative to a coal train is no  
12 train at all. So I think we have a very  
13 clear choice, and I hope that the cities and  
14 the people affected by the increased rail  
15 traffic will learn to live with these  
16 inconveniences for the good of South Dakota.  
17 Thanks.

18 MR. GARDINER: Thank you. Is Doug  
19 Klutt here? Okay. Steve Wagner is here.  
20 Okay. Coming up is James Morsick and Brenda  
21 Forman. If you could get ready.

22 MR. WAGNER: Thank you. I'm Steve

1     Wagner. I'm the President of South Dakota  
2     Concrete Products. I would just like to go  
3     on record as saying that we are in favor of  
4     the proposed rail expansion. Even though  
5     it's main purpose is to haul coal across our  
6     state, we see it as another source for  
7     transporting products such as rock, coal --  
8     or excuse me. Rock, cement, bentonite, wood,  
9     and grain. Transporting these products by  
10    rail will reduce the destruction to our  
11    state's highways and will make our products  
12    more cost-effective.

13                 We also understand that without the  
14    coal, the present rail system will continue  
15    to get worse, and we may eventually lose the  
16    rail system completely. Losing this rail  
17    service would hurt South Dakota's economy  
18    dramatically. We are forced to have the  
19    transportation of the coal be the ticket to  
20    pay for this upgrade. Projects such as this  
21    are always controversial, and so was our  
22    interstate system. Putting up with the

1   inconveniences is part of getting the  
2   benefits, and we need to find a way to deal  
3   with it. Thank you.

4               MR. GARDINER: Thank you. Is James  
5   Morsick here? Is Brenda Forman here? Brian  
6   Miller? Brian is here. Okay. Is Mike Ball  
7   here? Peter Obermeier? Pete Obermeier?  
8   This may go faster than I thought. Ronald  
9   Wheeler? Ernie Nemec?

10              MR. NEMEC: Yep.

11              MR. GARDINER: Okay. You're up  
12   next then.

13              MR. MILLER: My name is Brian  
14   Miller and I'm a resident of the City of  
15   Huron. I would like to speak out in favor of  
16   the DM&E expansion project. I believe that  
17   the project will benefit those individuals  
18   who are served either directly or indirectly  
19   by the DM&E. It will also benefit  
20   communities along the rail line by providing  
21   a long-term stable economic base, good paying  
22   jobs, and the tax revenue generated. This

1 project will be good for both the City of  
2 Huron, Beadle County, and the State of South  
3 Dakota.

4 MR. GARDINER: Okay. Mr. Nemec.  
5 And Patty or Sid Ohlmann? Not here. Walter  
6 Van Tassel?

7 MR. VAN TASSEL: Steve.

8 MR. GARDINER: Steve Van Tassel?

9 MR. VAN TASSEL: Yes.

10 MR. GARDINER: Okay. You're up  
11 next. And then Pat Snook?

12 MS. SNOOK: Yes.

13 MR. GARDINER: Okay. Then you're  
14 up after that. Thank you. Go ahead.

15 MR. NEMEC: I'm Ernie Nemec from  
16 Midland, South Dakota. I'm here to explain  
17 my support and my community's support of the  
18 planned DM&E Railroad expansion across our  
19 area of the state. My wife and I own and  
20 operate a hardware store and lumberyard and a  
21 building construction business, and have been  
22 in business since 1960. I am currently

1 president of the local Second Century  
2 Development and the Nemec Community  
3 Foundation. I'm on the board of directors of  
4 the South Dakota Retailers Association and  
5 the South Dakota Retail Lumberman's  
6 Association.

7               Several years ago, Midland was  
8 actively involved in action to keep the  
9 railroad line that runs through Midland  
10 operating. We now support the DM&E Railroad  
11 expansion because it could revitalize our  
12 community by creating new jobs. As a  
13 spin-off of these new jobs, it would  
14 certainly create more business for the  
15 existing businesses in Midland. Our  
16 excellent school system would grow, and we  
17 could easily handle more students in our  
18 school. The added tax base would be a big  
19 boost to our community and school. We are  
20 not concerned about the noise or the traffic  
21 through town, and certainly not the coal  
22 dust.

1                   At the present time, we are held up  
2   at train intersections for as much as 12  
3   to 15 minutes because of the slow speed of  
4   the train. But if the expansion project went  
5   through, the DM&E would probably only hold us  
6   up between a minute and a half and two  
7   minutes, at the most, and this would be a big  
8   help in an emergency situation with fire  
9   trucks and ambulances.

10                  I don't think the people that are  
11   opposing this expansion project realize how  
12   much it would hurt the economy of the state,  
13   the small communities, and farmers and  
14   ranchers if this project does not go forth.  
15   As the sign Midland erected along the  
16   railroad track says, "Midland supports DM&E's  
17   expansion project." We feel the studies have  
18   been completed and there needs to be no  
19   extensions. We hope this project will start  
20   construction in the year 2001. Thank you.

21                  MR. GARDINER: Okay. Steve Van  
22   Tassel. And then Pat Snook is next. And Roy

1 Hunt, is he here?

2 MR. HUNT: Yes.

3 MR. GARDINER: Okay.

4 MR. STEVE VAN TASSEL: Hi. I would  
5 just like to say that I am speaking in favor  
6 of the DM&E expansion. I represent Golden  
7 Will Seeds, a small family-owned seed  
8 business north of Midland. And we specialize  
9 in producing certified seed, primarily winter  
10 wheat. I represent Golden Will Seeds, which  
11 is a small family-owned seed business north  
12 of Midland. We specialize primarily in  
13 producing certified seed, primarily winter  
14 wheat. We're not a big enough seed company  
15 that we use rail service directly, but a lot  
16 of our customers do. Most of the grain we  
17 sell is sold back to the farmers.

18 I think we're missing a unique  
19 opportunity to turn our current railroad into  
20 a first class railroad if we don't do it now.  
21 I can remember when we almost lost our  
22 railroad back in -- I think it was 1984. But

1 thanks to the hard work of some very  
2 dedicated individuals in the Midland area as  
3 leaders for the fight, we were able to keep  
4 the line running. I'm afraid that if we  
5 don't upgrade now when we have the  
6 opportunity, we risk the chance of losing our  
7 rail service again. I don't believe we can  
8 afford to do that.

9           According to the Haakon Company  
10 Farm Service's office, there are  
11 approximately 156,000 acres of wheat planted  
12 in Haakon County, with a 30 bushel average  
13 of 4.68 mill bushels produced annually. I  
14 don't think our highway system can support  
15 that much extra truck traffic. That's just  
16 one county. Wheat production alone cannot  
17 support a railroad by itself. We need other  
18 freight to ship also, like the DM&E wants to  
19 do with the Wyoming coal.

20           With the depressed grain prices  
21 like the way they are, we need to do  
22 everything we can to bolster the outside

1 markets for our grain. Hopefully, with an  
2 improved rail line, it might open up other  
3 markets for us. I feel we need to do all we  
4 can to improve our transportation. I'm sure  
5 that if you have ordered anything through the  
6 mail recently, you can see how shipping and  
7 handling really adds up. We need to do  
8 everything we can to improve our  
9 transportation costs, not stifle it. Thank  
10 you.

11 MR. GARDINER: Roy Hunt and Jerry  
12 Nemec. Jerry Nemec? Okay. Go ahead.

13 MS. SNOOK: I am Pat Snook. My  
14 family farms and ranches seven miles north of  
15 Midland, South Dakota. We are one hour west  
16 of Pierre, and two hours east of Rapid City.  
17 This area of the state has been recognized  
18 recently by planning experts as being  
19 underserved. Being underserved means we are  
20 not receiving the services and technical  
21 support and staff that other citizens take  
22 for granted. We need every opportunity

1 available to us just to maintain our status  
2 quo. We desperately need to keep the DM&E  
3 Railroad and to upgrade it so that it is more  
4 efficient.

5           This action could have many  
6 positive results. It will bring relatively  
7 high-paying jobs to many communities. South  
8 Dakota currently is ranked near the bottom in  
9 the fifty states' per capita income. The tax  
10 base will be increased, thus bringing  
11 benefits to everyone.

12           Additional families in our towns  
13 will mean more students in our schools, where  
14 enrollment is declining. Many of our  
15 talented young people leave this area for  
16 jobs and careers that promise a better  
17 standard of living. DM&E's project will  
18 create some good paying jobs and will help to  
19 stop this out-migration.

20           Tourism could get a big boost with  
21 the advent of passenger service. I  
22 envisioned guided tours telling our colorful

1 South Dakota history while pointing out  
2 wildlife such as buffalo, deer, antelope and  
3 eagles. This would add an exciting new  
4 dimension in recreation. And recreation is  
5 an area where South Dakota needs improvement.  
6 South Dakota highways will require less  
7 upkeep if we increase our usage of DM&E for  
8 shipping crops and other items. This will  
9 save tax dollars. Farmers in this area need  
10 DM&E for shipping millet, corn, wheat,  
11 sunflowers, and other crops.

12 Central and western South Dakota  
13 produce grains that feed the world. Wheat is  
14 selling for a little over \$2 a bushel.  
15 Production costs such as fuel and machinery  
16 are rising dramatically, leaving us a very  
17 small profit. Many families have already  
18 sold their machinery and found jobs  
19 elsewhere. If we lose this railroad and have  
20 to truck our grain to another shipping point,  
21 another expense will be added on the deficit  
22 side.

1                   I will close with this quote from  
2 Pat Snook: "We cannot stop this world from  
3 changing; we can use change to our  
4 advantage."

5                   MR. GARDINER: Okay. Thank you.  
6 Roy Hunt. Jerry Nemec, you're next. Is Kory  
7 Bierle here? Okay.

8                   MR. HUNT: I'm Roy Hunt. I'm  
9 manager of the grain elevator in Midland.  
10 And I've been in that same business for 40  
11 years. I was in on the fight to stop the  
12 abandonment of this railroad back when CNW  
13 had it. DM&E was kind enough to buy them  
14 out. Now I support the DM&E's project.  
15 Again, the economics of shipping and their  
16 diversity of everything that they are willing  
17 to ship. They're not afraid to ship  
18 different products. If their proposal goes  
19 through and the new project goes through,  
20 export markets will be a lot more available  
21 for people in our country, and we'll also be  
22 able to take in different grain products or

1 other products by the rail system, as well.

2 Thank you.

3 MR. GARDINER: Okay. Terry Nemec.

4 After Kory Bierle is Steve Ellingson. Is he  
5 here? Okay.

6 MR. NEMEC: My name is Terry Nemec,  
7 and I'm the Mayor of Midland for 25 years.  
8 And we have raised wheat out there since I  
9 was a small boy. And I was fortunate enough  
10 to be around Gus Larson and Jim Aplan when  
11 they put together the rail uses there in  
12 Midland at the time that the Chicago  
13 Northwestern was thinking about abandoning it  
14 and closing that railroad from Pierre to  
15 Rapid City. And it was quite a struggle.

16 And I would hate to see their work  
17 go down in smoke simply because I know Kevin  
18 personally, and I know there probably are  
19 some mitigation problems with the landowners,  
20 but I feel very strongly that he will walk  
21 the mile or do whatever he can to try to make  
22 this work for both of them. And I see some

1 of the land people that are here today, and  
2 some of them are very articulate. And  
3 between them and the railroad, they'll  
4 probably write a new policy on how this works  
5 out.

6 But as far as these small schools,  
7 you know, we had the opportunity to write a  
8 new formula for the operation of the schools  
9 in South Dakota here in the last ten years  
10 maybe, and it's greatly been improved. But  
11 when this project goes through, I think the  
12 tax advantage per county along the way, it  
13 won't help everybody probably, but the tax  
14 dollar drives will be considerable, I think.

15 And we ship wheat, so we know the  
16 value of the railroad when it comes to  
17 freight. I don't know how the heck we used  
18 to do it, but we used to ship most of it by  
19 truck. And it was an inconvenience, I guess  
20 you would say; but you got used to it. But  
21 now we're used to the railroad again.

22 Our headquarters is probably only

1 four miles from the railroad tracks, and we  
2 probably live within 450 feet of the railroad  
3 tracks. And actually, it's kind of nice to  
4 hear them go by, even though you've got to  
5 realize it doesn't go right through us. So,  
6 you know, from a landowner's position, they  
7 got a little different perspective than I  
8 would, probably.

9 But South Dakota has been talking a  
10 lot about economic development for a good  
11 many years, ten, fifteen years, and I don't  
12 see too much out there on the horizon. This  
13 would appear, to me, that it's probably going  
14 to be the biggest project this state has ever  
15 seen come across here since probably the  
16 first time they went across here back in  
17 the 1900's. And I do hope that between the  
18 Governor and --

19 MR. GARDINER: 30 seconds.

20 MR. NEMEC: -- the people that got  
21 needs, that they can somehow get them  
22 satisfied and everybody can go on their way.

1 Because I think it will be a great, great  
2 benefit to this state. Thank you.

3 MR. GARDINER: Okay. Kory Bierle.  
4 And Steve Ellingson. Okay.

5 MR. BIERLE: Are you ready?

6 MR. GARDINER: I'm ready.

7 MR. BIERLE: Hello. My name is  
8 Kory M. Bierle. I'm a fifth generation  
9 rancher from the Madsen Ranch, located east  
10 of Midland on the Bad River at the Haakon -  
11 Jones County line. My mother's family has  
12 lived in the Midland, Pierre, and Bad River  
13 area for about 130 years. I would like to  
14 thank the Surface Transportation Board and  
15 the cooperating agencies for this opportunity  
16 to comment on the Powder River Basin  
17 Expansion Project as proposed by the Dakota,  
18 Minnesota and Eastern Railroad.

19 From my viewpoint as a landowner  
20 with approximately four miles of track  
21 frontage on both sides of the track, I  
22 support the expansion project and encourage

1    you to adopt the Draft Environmental Impact  
2    Statement without delay. For years I have  
3    witnessed the railroad deteriorate to a  
4    deplorable condition. It resembles a roller  
5    coaster track more than a railroad track.  
6    The previous four years prior to this past  
7    year have been so wet that the track has sunk  
8    down into the railbed, causing a five mile  
9    per hour speed limit to be established  
10   through our place.

11                This past summer, the trains have  
12   stopped when the temperature reached 100  
13   degrees so they wouldn't derail. The bed and  
14   the right of way are also littered with old  
15   tie piles from numerous derailments over the  
16   past years. These tie piles, along with a  
17   rough bed, impede haying and also make it  
18   hard to cross cattle. Another obstacle in  
19   the right of way is the holes left by the  
20   removal of the old telegraph poles. I feel  
21   that the only way DM&E can solve these  
22   obstacles is by being approved for the

1 expansion so they can totally rebuild the  
2 track and bed.

3           If the DM&E were allowed to  
4 rehabilitate the track, we would be able to  
5 hay the right of way, which also coincides  
6 with the county road right of way for  
7 approximately two and a half miles. This  
8 would be a great boon to us so we would be  
9 able to hay ground that is unavailable for  
10 grazing. By haying the right of way, we  
11 would also be establishing a fireguard to  
12 protect our valuable river pasture land by  
13 saving the existing tree cover and the  
14 riparian areas along the river.

15           Another positive for approval of  
16 the expansion project would be improved  
17 crossings for equipment and cattle.  
18 Currently, to get to our major summer  
19 corrals, we have to shut gates across the  
20 track and get cattle to feed into an entry  
21 lane into the corrals. This is hazardous for  
22 us, our cattle, and the railroad. The

1 expansion project would allow the DM&E to  
2 replace the large culverts they have been  
3 using with bridges that we could drive and  
4 trail cattle underneath.

5 MR. GARDINER: 30 seconds.

6 MR. BIERLE: DM&E has been a good  
7 neighbor to us and has been very  
8 accommodating, given the circumstances in  
9 which they've had to operate. I feel that if  
10 you would approve the Powder River Basin  
11 expansion project and the Environmental  
12 Impact Study as soon as possible, this would  
13 help the railroad and the Madsen Ranch to  
14 continue to enjoy a working relationship into  
15 the future. Thank you.

16 MR. GARDINER: Okay. Steve  
17 Ellingson is next. And then Brenda Forman is  
18 here now. Is that correct?

19 MS. FORMAN: Yes.

20 MR. GARDINER: Okay. Brenda,  
21 you're going to be up next after Steve.

22 MR. ELLINGSON: I come to you as a

1 homeowner here in Pierre. Please revisit the  
2 bypass request around Pierre/Fort Pierre.  
3 Take the time to visit the route in person.  
4 I would assume by now you could see that the  
5 route through Pierre/Fort Pierre is simply  
6 not a straight fast run through town. Two  
7 sharp turns cause trains to slow down. The  
8 trains slow down to, what I understand, about  
9 ten miles an hour. This can't be economical  
10 for the DM&E. It would be like having a semi  
11 deliver papers in town.

12 Now, let's talk about what it will  
13 do for our quiet community. Just think about  
14 the fact that the 7,000 foot-long train will  
15 block all of the intersections at one time in  
16 our business part of town. The trains will  
17 not pass through town quickly as in the open  
18 country, which I addressed earlier. The  
19 capital -- this is the capital of the State  
20 of South Dakota. All of those trains will  
21 run within two blocks of the state capitol  
22 building, the Governor's mansion, and I can't

1     imagine that this is acceptable.

2                 This is not only disturbing to the  
3     capitol building and my home by the train  
4     bridge, but also my neighbors and a number of  
5     locations here in Pierre, several businesses,  
6     a number of hotels, motels, and the main  
7     convention center in Pierre. The Pierre Boys  
8     and Girls Club are within a few feet of the  
9     railroad track. The school football field to  
10    the east of us here and also the football  
11    field in Pierre -- or Fort Pierre. The grade  
12    school in Pierre, one in Fort Pierre, the  
13    middle school in Pierre, and not too far from  
14    the high school in Fort Pierre. The  
15    courthouse in Fort Pierre, and of course, the  
16    Federal Building right here in Pierre.

17                Trains don't run through the edge  
18    of town in Pierre and Fort Pierre through the  
19    industrial area. I can't imagine DM&E even  
20    considering -- again, considering running it  
21    through this community. Please consider the  
22    bypass. If money is the only consuming

1 factor, charge more for the coal.

2 Vacationers and legislators  
3 visiting the community of Pierre/Fort Pierre  
4 and who are staying in Pierre/Fort Pierre,  
5 it's a joke. It's going to be noisy and  
6 disruptive. My home is 75 yards north of the  
7 railroad tracks right at the large curve  
8 entering Pierre. I beg you to please, again,  
9 revisit the Pierre/Ft. Pierre bypass.

10 MR. GARDINER: 30 seconds.

11 MR. ELLINGSON: You may think too  
12 bad for me I purchased by the railroad track.  
13 Back in '89 when we moved here from  
14 Minneapolis, I did my homework. I asked the  
15 appraiser what effect it had on my home value  
16 before I bought it. No effect. In fact, the  
17 comment was made to me that the railroad --  
18 the beautiful railroad bridge right in my  
19 front yard is appealing. It's romantic.  
20 Well, obviously that's going to change and I  
21 don't think that's fair. I feel it's part of  
22 my duty as a family member to object to the

1 running of trains through town. Please  
2 consider the bypass.

3 MR. GARDINER: Thank you. Okay.  
4 Brenda Forman. And then coming up next is  
5 John Stomber. Is John Stomber here? Okay.  
6 Gerald Freudenthal, you're up next. And then  
7 Dale Gilyerd. Okay.

8 MS. FORMAN: My name is Brenda  
9 Forman, and I'm here representing the South  
10 Dakota Association of Cooperatives. Our  
11 membership is made up of farm supply,  
12 marketing, rural electric, value-added and  
13 telephone cooperatives throughout the state.  
14 The South Dakota Association of Cooperatives  
15 supports the expansion of the DM&E project  
16 because we believe the rail service is  
17 extremely important to our member patrons,  
18 and the expansion and upgrade will serve the  
19 public and ag industries of this state by  
20 providing a vital and competitive rail  
21 system.

22 What does it really mean to have a

1 vital and competitive rail system? First,  
2 it's going to provide our members with  
3 marketing opportunities. One of the  
4 cooperative's role is the economic viability  
5 of our farmer members. Cooperatives have  
6 several responsibilities, and that is the  
7 marketing of our member's products. We do  
8 this in a variety of ways, but the end result  
9 is the ability to deliver the products to its  
10 destination. One of the most economical  
11 methods is the rail.

12           The proposed upgrade expansion  
13 provides cooperatives with faster and safer  
14 service. New state-of-the-art rail line will  
15 result in few problems and we can transport  
16 better to the markets and from the elevators,  
17 faster movement of cars to and from markets  
18 and enable the elevators and cooperatives to  
19 achieve better market returns to our members.

20           The proposed upgrade by creating  
21 better access to the ports will allow us to  
22 increase our competitiveness in world

1 markets. The expansion will increase the  
2 number and types of accessible markets for  
3 our ag products as rail lines to the Pacific  
4 Northwest Ports are opened and we can access  
5 to the city our markets. We will also see  
6 new markets within the United States, as  
7 well, as we have better connection with other  
8 lines.

9 Economic viability is of great  
10 importance. And as new value added projects  
11 are built around the state, we will also see  
12 these businesses benefit from better rail.  
13 Not only better transportation products in,  
14 but also the final products out to reach  
15 those markets is very important, moving more  
16 and faster and more efficiently.

17 Presently, the DM&E moves over 40  
18 million bushels of South Dakota grain. The  
19 expansion will provide car utilization  
20 through greater speed and velocity, cars with  
21 heavier load capabilities, greater line  
22 reliability, and the ability to move cars and

1 more cars per train. It makes obvious sense  
2 why the cooperatives in this state need this  
3 rail system. In simplest terms, we're able  
4 to move more grain, more products, more  
5 efficiently.

6 In closing, agriculture needs to  
7 stay competitive. The way we stay  
8 competitive is through a strong, strong rail  
9 system and solid, strong rail competition.  
10 We need the DM&E expansion in order to help  
11 us stay competitive and have competition in  
12 the state of multiple lines. Again, we would  
13 support your encouragement of the expansion  
14 of the DM&E line. Thank you.

15 MR. GARDINER: Okay. I'll check  
16 again. Is John Stomber here? Okay. Gerald  
17 Freudenthal is here, right? Is Dale Gilyerd  
18 here? Okay. John Hart? Okay. Bill Bishop?  
19 Okay. You're up next, Bill. Thank you.

20 MR. FREUDENTHAL: That's okay. I  
21 had problems with that sometimes myself.

22 MR. GARDINER: Okay.

1                   MR. FREUDENTHAL: My name is Gerald  
2   Freudenthal, and I'm secretary/manager of  
3   Oahe Grain Corporation of Onida, Sully  
4   County, South Dakota. I mentioned Sully  
5   County, South Dakota, for a couple of reasons  
6   here that I'm going to talk about. First,  
7   Sully County is one of the top grain  
8   producing counties in South Dakota. All  
9   figures that I'm quoting are from the South  
10   Dakota Agricultural Statistics Booklet and  
11   are for the crop near 1999.

12                   Production of all wheat in Sully  
13   County was 9.9 million bushels. Corn  
14   production on dry land and irrigated was 4.2.  
15   Sunflower production was 197 million pounds,  
16   or break that down, 7.8 million bushels of  
17   sunflower. Soybean production was 494,000.  
18   Combining all of these 1999 bushels, we would  
19   have approximately 6,082 rail cars, or 21,192  
20   trucks going out of Sully County.

21                   Let's compare the average truck  
22   rates versus rail rates. On sunflower, the

1 trucks out of the Onida area to the crush  
2 market at Red Wing, Minnesota, is \$1 to \$1.15  
3 a hundred grain during the majority of the  
4 year. During the harvest period, October  
5 through December, the rates are between \$1.15  
6 to \$1.25. Rail rates for sunflowers  
7 are \$1.15 per hundred for 15 car shipments.  
8 The freight rates to the northern crushing  
9 plants are between 50 and 90 cents a hundred  
10 bushel, depending on the time of year. With  
11 Sully County producing 197,000 pounds  
12 in 1999, and approximately 80 percent of this  
13 moved by rail into both domestic and export  
14 markets.

15           The difference in freight doesn't  
16 sound like much until we take away our rail  
17 lines and we look for other ways to move our  
18 sunflowers to competitive markets. The  
19 effect of this demand would be a much higher  
20 truck rate, increasing them another 40 to 70  
21 cents a hundred. The annual economic impact  
22 on the county, just on sunflowers would

1 be 789,000 to 1.3 million. We would also  
2 have to consider the economic impact the  
3 increase in truck traffic would have on the  
4 highway systems.

5 Sully County production of wheat is  
6 another commodity exported out of Sully  
7 County by truck and rail, mostly by rail.  
8 Rail rates to Minneapolis milling and beyond  
9 in unit car rates average approximately 94  
10 cents per hundred rates. Truck rates to  
11 Minneapolis locations are approximately \$1 a  
12 hundred weight with a back haul, or \$1.45  
13 without a back haul. With Sully County  
14 raising 9.9 million bushels of wheat, we  
15 would have an economic impact on wheat  
16 of 356,000 to a little over 3 million, with  
17 no back haul. We have to realize that a  
18 small percentage would have a back haul if  
19 everything would have to move by truck.

20 MR. GARDINER: 30 seconds.

21 MR. FREUDENTHAL: We would also  
22 have to look at the economics of our highway

1 systems. All of our commodities raised in  
2 Sully County would be affected, just as the  
3 two mentioned here.

4 As a grain merchandiser, I guess I  
5 realize that coal would be a number one  
6 priority and grain will be number two. But I  
7 guess I could compare our old track and a new  
8 track to a Model T Ford and a Cadillac. I  
9 guess for safety, convenience, an all-around  
10 ride, I would rather ride in the back of the  
11 seat of a Cadillac instead of the front seat  
12 of a Model T. Thank you.

13 MR. GARDINER: Also, for those of  
14 you who have written statements, if you would  
15 leave them with us on your way out, it helps  
16 the transcriber be sure she captured  
17 everything accurately. Okay. Bill, you're  
18 up next then. And is George Allen here?

19 MR. ALLEN: Here.

20 MR. GARDINER: Okay. So you're up  
21 next. And then Gary Drewes? Okay. Great.

22 MR. BISHOP: My name is Bill Bishop

1 and I'm a track worker from Pierre. About 14  
2 years ago, my family and I moved from  
3 Nebraska to South Dakota to start work on the  
4 brand spanking new DM&E Railroad. Previous  
5 to that, I worked ten years for the Chicago  
6 and Northwestern Railroad on the western  
7 Division, or more commonly known as the  
8 "Cowboy Line."

9                   Because of years of deferred  
10 maintenance and an attitude of a massive  
11 indifferent railroad whose main office  
12 was 1,000 miles away, the line was piecemeal  
13 abandoned year after year until it was  
14 finally abandoned to Merriman, Nebraska. The  
15 tracks were tore up and the state took over,  
16 using the "Rails for Trails" program to turn  
17 what was once a rail line that employed  
18 several hundred people, paid state and  
19 federal taxes, not to mention many ag-based  
20 jobs. What was the result? A hiking trail.  
21 No more grain shipped, no more fertilizer  
22 hauled, no more lumbercars, no more of the

1   myriad commodities that are moved by rail.

2                   My mother still lives in O'Neill,  
3   Nebraska, a town that the line ran through,  
4   or should I say the hiking trail now runs  
5   through. Whenever I go to visit her, I cross  
6   where the track used to run, and whenever I  
7   look either way, I've yet to see anybody on  
8   the trail. But what I do see are trucks,  
9   semi-trucks, and a lot of rough roads due to  
10  all of those trucks that wouldn't be there if  
11  it were still a rail service.

12                  What does all of this have to do  
13  with the DM&E expansion plan? Everything.  
14  The DM&E runs on what was the CNW tracks,  
15  which all suffered from the same deferred  
16  maintenance. Most of the rail we run on was  
17  made between 1890 and 1925. The roadbed was  
18  made to be run on by much smaller  
19  locomotives, not to mention much, much  
20  smaller loads than we are hauling now. The  
21  bridges are wore out, the rails have wore  
22  out, the ties are wore out, and it's all a

1     legacy the CNW left the DM&E to deal with  
2     when they took over the line. This has cast  
3     a long shadow over us for a long time, but we  
4     deal with it.

5             The expansion plan now before the  
6     Board opens a world of opportunities for DM&E  
7     and the states of Wyoming, South Dakota, and  
8     Minnesota. While still moving all the  
9     commodities now currently hauled, the  
10    expansion plan with the tacks being built  
11    into the coal fields will allow the railroad  
12    to perform a valuable public service moving  
13    inexpensive coal east to power plants to  
14    create inexpensive electricity.

15            While we in South Dakota currently  
16    haven't suffered from the rolling power  
17    outages, or brownouts like the east and west  
18    coasts suffered this summer due to power  
19    shortages and heavy demand, that day may come  
20    sooner than we think. With the deregulation  
21    of electric companies, hopefully more  
22    coal-fired power plants will be built and the

1 DM&E will be in a position to provide the  
2 coal to them. While the pros and cons of  
3 coal power are still up for debate, what is  
4 true is that with current modern technology,  
5 coal is a clean and inexpensive energy  
6 source.

7               Currently, the Burlington Northern  
8 and Union Pacific are the only two railroads  
9 now hauling coal out of the PRB. They are  
10 running at 100 percent capacity, which makes  
11 the DM&E expansion even more important due to  
12 the US's growing dependence on foreign energy  
13 sources, and the uncertainties --

14               MR. GARDINER: 30 seconds.

15               MR. BISHOP: -- surrounding a  
16 steady and dependable supply from those same  
17 countries is at best worrisome. A third  
18 carrier into the coal fields will help the US  
19 move away from foreign dependence and also  
20 create thousands of good paying jobs while  
21 providing a valuable national service.

22               There are soon to be hundreds of

1 layoffs in the Homestake Mine, and the lumber  
2 industry is virtually nonexistent anymore in  
3 the hills. These people need jobs, and the  
4 expansion plan will give them the  
5 opportunities they need. All of this leads  
6 me back to my story about the abandoned line  
7 in Nebraska.

8 We already have the Mikelson hiking  
9 trail, we have the Cowboy hiking trail. We  
10 don't need any more hiking trails. What we  
11 need is a strong, ultramodern Class I  
12 railroad that the DM&E will become with your  
13 approval of the Expansion Plan C. Thank you.

14 MR. GARDINER: Okay. George Allen.  
15 Gary Drewes. Is Kevin King here?

16 MR. KING: Right here.

17 MR. GARDINER: Okay. George.

18 MR. ALLEN: Good afternoon. My  
19 name is George Allen. I'm production manager  
20 for Bentonite Performance Minerals, a  
21 division of Calbert and Energy Services. Our  
22 plant is located in Colony, Wyoming, just a

1    few miles across the border from Belle  
2    Fourche, South Dakota. Our plant  
3    employees 80 people, and last year we  
4    shipped 487,000 tons of bentonite across the  
5    State of South Dakota. About 80 percent of  
6    that 487,000 was shipped across the state by  
7    rail, the other one by truck.

8                We feel -- the employees and I feel  
9    that if it's left to truck traffic, the  
10   bentonite industry in the northeast corner of  
11   Wyoming will dry up. Transportation cost is  
12   much too high. We're in a small profit  
13   margin commodity as it is. We've been there  
14   since 1947. We would like to continue.

15               If this railroad expansion or some  
16   other railroad service is not provided to us,  
17   we feel that Belle Fourche's economic  
18   prosperity in bentonite will be gone within  
19   ten to fifteen years. Belle Fourche and the  
20   surrounding areas that we get our employees  
21   from need their jobs. Please provide them  
22   with a new railroad. Thank you.

1 MR. GARDINER: Okay. Gary Drewes.

2 MR. DREWES: Gary Drewes, Mayor of  
3 the City of Pierre. Charles, the first thing  
4 I need to do is get a clarification. I  
5 understood that I would have some additional  
6 time on behalf of the City Commission, the  
7 five members of the commission? Does that  
8 still hold true? I have probably eight, nine  
9 minutes of material.

10 MR. GARDINER: I think what I would  
11 like to do is if we can do three minutes now,  
12 and then to the extent

13 -- we're going through this fairly  
14 quickly. If we have time at the end.

15 MR. DREWES: Okay. I'll paraphrase  
16 a lot of what I have to say.

17 MR. GARDINER: Thank you.

18 MR. DREWES: First of all, what I  
19 want to state is that the City of Pierre has  
20 gone on record publicly of favoring the  
21 expansion program that DM&E has proposed.  
22 But I'm here today to request that the

1 Surface Transportation Board review your  
2 process in regard for a bypass proposal  
3 presented to you by the City of Pierre.

4 One of the action alternatives that  
5 the Surface Transportation Board received was  
6 the proposed bypass for Pierre and Fort  
7 Pierre. And even though the Board contends  
8 that it analyzed each action alternative for  
9 the various components of the project to  
10 determine whether it was reasonable and  
11 feasible and whether it would have  
12 potentially significant environmental  
13 impacts, we know from the report that this  
14 was not true. It's obvious that any  
15 purported analysis was flawed, at best, and  
16 it is highly questionable that any analysis  
17 was truly performed.

18 The City of Pierre contracted with  
19 Banner Associates, Incorporated, of  
20 Brookings, South Dakota to develop a proposed  
21 bypass. We spent about \$40,000 on this work,  
22 and I truly believe we came up with a sound

1 proposal. Kevin Schieffer, President and CEO  
2 of DM&E, in a letter to your Board dated  
3 July 12th, 1999, stated, "Pierre's approach  
4 to this issue was far more realistic than any  
5 of the others presented." He went on to say,  
6 "Additionally, Pierre is the one bypass that  
7 could possibly result in a more efficient  
8 operation because of the shorter distances  
9 and improved track geometry."

10 Now, how do we know the Surface  
11 Transportation Board did not give a proper  
12 analysis to our bypass proposal? I want to  
13 read to you a portion of the paragraph  
14 devoted to the proposed bypass.

15 Quote, SEA evaluated the proposed  
16 bypass around the communities of Pierre and  
17 Fort Pierre, South Dakota and determined it  
18 to be unreasonable. The alternatives  
19 proposed for the bypass would have  
20 significant environmental and engineering  
21 constraints. A new bridge would create an  
22 additional navigational hazard to watercraft.

1 The bypass would likely have severe impacts  
2 on a substantial amount of significant  
3 cultural resources. These impacts were  
4 determined to be unreasonable, and the  
5 Pierre/Fort Pierre bypass was removed from  
6 further consideration.

7 I must say, if it wasn't such a  
8 serious issue, the Draft report comment  
9 stating that a new bridge could create an  
10 additional navigational hazard to watercraft  
11 would be humorous to those that live here.  
12 That is why it became so obvious to us that  
13 our alternative route was not given any kind  
14 of serious review. The area we proposed to  
15 install a new bridge has filled with  
16 sedimentation, and except for a narrow  
17 channel, the depth is three feet at best.  
18 You'll find fishing boats in the area, but  
19 there hasn't been any barge traffic or other  
20 boats of any size for nearly 60 years.

21 MR. GARDINER: You have 30 seconds.

22 MR. DREWES: I want to talk a

1 little bit about the impact that it has on  
2 our quality of life and for those visitors  
3 that pay a sizable portion of our tax bill.  
4 When the question comes up as to why property  
5 along the rail line was developed in Pierre,  
6 it was because the railroads have provided a  
7 strong indication that they would never  
8 expand their operations and, in fact, gave  
9 strong indications that it would never grow  
10 beyond its present size.

11 For a number of years, the Chicago  
12 Northwestern Company sold off right of way  
13 within the city limits of Pierre and, in  
14 fact, was still selling off right of way  
15 about 20 years ago. Nearly all of the  
16 development that has taken place along the  
17 rail line was done after the right of way was  
18 sold to private enterprise. If I may later,  
19 I would like to continue with this additional  
20 information?

21 MR. GARDINER: Yeah. Thank you. I  
22 think we'll have time later. Okay. Kevin

1 King next. And Dean McGillvrey. Is Dean  
2 here? Okay. Tom Hitchcock, is he here?

3 MR. KING: Hi. I'm Kevin King.  
4 I'm the city engineer of Pierre. I just  
5 wanted to take a minute to help you  
6 understand possibly where the rail goes  
7 through Pierre. And for one, it goes 70 feet  
8 from this building. And that's common to  
9 the 23 or so businesses, schools, and motel  
10 units we have. This railroad pinpoints the  
11 very heart of the community.

12 In front of you there is the  
13 crossing of the bridge, and where it goes  
14 across the river, the Ramkota Convention  
15 Center, the scale of that area of boats is  
16 one inch equals 60 feet. So you can see the  
17 railroad right of way through town is only 50  
18 feet wide in most places. Your own criteria  
19 for a new rail is 200 feet of right of way  
20 and the bypass to propose that.

21 Approaching that bridge is a six  
22 degree rail curve, which is a very sharp

1 curve. And the rail always does a 180  
2 through town. It would be impossible to  
3 hold 45 mile an hour speeds on that kind of  
4 curve. And the bypass Gary Drewes mentioned  
5 is three miles shorter and contains a  
6 straight alignment meeting current standards.

7 There are ten rail crossings in  
8 Pierre. The most busy at the "S" curve in  
9 the highway has 18,000 vehicles a day in  
10 the '97 traffic count, and it's on the  
11 increase. The opportunity of grade  
12 separations in that area due to our landowner  
13 profile in commercial districts would be the  
14 relocation of businesses and commercial  
15 property.

16 The proposed bypass certainly  
17 contains less engineering constraints than  
18 the six-degree curve approaching the Missouri  
19 River bridge on the railroad side. The new  
20 bridge over the bypass crosses a sediment  
21 filled lake less than four foot deep. The  
22 extensive cuts and fills mentioned by the

1 section of Environmental Analysis are hardly  
2 more expensive than those required to build  
3 Highway 1806. The navigational hazard  
4 mentioned would certainly be less than a  
5 restriction than the Big Bend Dam 30 miles  
6 downstream where the Milwaukee Dam is 20  
7 miles upstream.

8 Culture sites exist all over the  
9 Missouri River, including in the Pierre city  
10 limits, and likely, are under the current  
11 railbed. However, the two routes were  
12 submitted for the bypass and the study  
13 contains six possible routes. So for the  
14 purpose of environmental study, it seems as  
15 if the cultural resources aspects of the  
16 bypass could be mitigated or avoided, or at  
17 the very least, studied before the proposal  
18 is drawn.

19 Of all of the bypasses mentioned,  
20 the City of Pierre bypass can offer the  
21 railroad an operational savings as compared  
22 to the route through the city. In light of

1 the operational constraints posed by the  
2 existing track beyond the trains, the  
3 addition of any safety margin due to the  
4 narrow right of ways and landowner profiles  
5 and the city of Pierre, it seems that we  
6 should consider a bypass of the environmental  
7 analysis.

8 Our office is ready to assist the  
9 Section of Environmental Analysis with any  
10 information they require. Please let us help  
11 you understand the implication of running  
12 interstate commerce through the heart of the  
13 capital of South Dakota on a track that was  
14 designed in the 19th Century. Thank you.

15 MR. GARDINER: Okay. Is Tom  
16 Schultz here? Tom Schultz? Okay. You're up  
17 next. Jerold Zerfoss? Jerold Zerfoss?  
18 Philip Testerman? Okay. That will preclude  
19 our pre-signed up list, and then we'll pause  
20 for a break. Okay. Tom, go ahead.

21 MR. HITCHCOCK: My name is Tom  
22 Hitchcock. I'm from Huron. I'm here today

1 representing NorthWestern Energy and  
2 Communications Solutions. Just a little  
3 background information. NorthWestern serves  
4 nearly 140 communities in eastern South  
5 Dakota with electricity and/or natural gas.  
6 The DM&E Railroad also serves several of  
7 these communities. Two of the largest  
8 communities that are served by NorthWestern  
9 run along the same route, and they are Huron  
10 and Brookings.

11           The vitality of the DM&E is  
12 essential to the future of these communities.  
13 As a utility provider in those communities  
14 and being directly involved in their economic  
15 development efforts, we are acutely aware of  
16 the importance of reliable rail service for  
17 their future. This project would ensure  
18 that.

19           We work with value-added  
20 agricultural and expanding industries, and  
21 they tell us rail service is of primary  
22 concern. From firsthand experience, reliable

1 rail service is key for the ethanol industry  
2 in South Dakota. Communities also need the  
3 direct economic benefits of the project.  
4 They need the jobs and the increased commerce  
5 that comes with it.

6 This project serves the national  
7 concerns. It provides an essential and  
8 needed supply for cleaner burning coal. Most  
9 agree that the demand for the Powder River  
10 Basin coal in the next decade will increase  
11 by one-third over the 350 million tons per  
12 year now being shipped. Northwestern is a  
13 partner in the Big Stone Power Plant located  
14 in northeastern South Dakota. If we had not  
15 been able to switch to cleaner coal, we would  
16 have had to install scrubbers to meet  
17 emission standards. That would have been a  
18 huge cost and likely would have resulted in  
19 rate increases to our customers. Other coal  
20 users in the Midwest are facing the same  
21 dilemma now and need additional access to  
22 these coal supplies.

1                   This project would also be a  
2   positive step toward maintaining and  
3   strengthening this nation's energy  
4   independence. Many electric utilities today  
5   are relying on natural gas fired generation  
6   to keep up with increasing demand. This, in  
7   turn, is putting a premium on natural gas  
8   prices. Many homeowners and businesses in  
9   South Dakota, as well as the nation, will  
10   feel the extra burden on heating costs this  
11   winter.

12                   In conclusion, NorthWestern  
13   supports and encourages approval of this  
14   project as expeditiously as possible. This  
15   project is not only beneficial to the state  
16   and this nation, it is necessary. Thank you.

17                   MR. GARDINER: Okay. I'm going to  
18   go back through the list of people and see if  
19   anybody has arrived late. Debbie, is there a  
20   list of people that have signed up here when  
21   they arrived? Is that the next group? Let  
22   me just go back through, just to be sure.

1                   Has Representative Volesky arrived?

2    Okay.   Doug Klutt?   James Morsick?   Mike  
3    Ball?   Pete Obermeier?   Ron Wheeler?   Patti  
4    or Sid Ohlmann?   John Stomber?   Dale Gilyerd?  
5    John Hart?   Dean McGillvrey?   And Tom  
6    Schultz?   And Phillip Testerman?

7                   Okay.   On to our next list.   This  
8    is handwriting I've got to read now.   Okay.  
9    Bob Stoddard?   Okay.   You're up next.   Then  
10   Lois Seger.   Lois, you're up next.   And then  
11   Don Higgins.   Okay.   Those are the next  
12   three.

13                  MR. STODDARD:   Don't start that  
14   clock for a minute.   Thank you for the  
15   opportunity to testify here, and we thank you  
16   people for serving on the board.   I support  
17   Alternate C.   I'm a rancher in Wyoming.   I  
18   was out of the state when they had their  
19   hearings over there.   We have ranches in four  
20   counties that are involved.   And we have a  
21   ranch in Weston and Niobrara Counties that  
22   will be crossed by the DM&E Railroad if their

1 project is approved.

2           Nearly three years ago, I  
3 volunteered to be a part of the Landowner's  
4 Advisory Board because I wanted to be  
5 involved in setting a policy to protect  
6 landowners if the railroad is built. The  
7 DM&E did not handpick the members of the  
8 board. We all volunteered for the job. The  
9 Board interviewed and selected the real  
10 estate appraisers to work on this project.

11           The Board developed -- the Board  
12 developed a landowner's compensation and  
13 mitigation agreement and made use guidelines  
14 by other landowners in their own dealings  
15 with the railroad. This agreement was  
16 negotiated with Kevin Schieffer, president of  
17 the DM&E Railroad. We hammered out several  
18 policies including fire and casualty,  
19 fencing, noxious weeds and the like.

20           These policies were drawn up to  
21 protect the landowners now and in the future.  
22 We each brought our own attorneys into the

1 process and developed a final product that  
2 our attorneys could endorse. This was not a  
3 simple process. We did a lot of negotiation.  
4 Some of it, it was intense.

5           When we reached an agreement, we  
6 had a deal and we shook on it. A deal is a  
7 deal. I have enclosed a copy of the  
8 Landowner's Advisory Board committee report  
9 explaining our views and agreements. As a  
10 board member, I take a lot pride in my  
11 involvement in the development of this  
12 agreement. But the DM&E deserves credit for  
13 being willing to work with the landowners.  
14 Every deal we made with Kevin, he stood  
15 behind that deal.

16           This opportunity was not offered to  
17 landowners when their railroads -- when other  
18 railroads have been built in this area. I  
19 know that because we own land that was  
20 crossed when the Burlington Northern and  
21 Chicago NorthWestern expanded into the tracks  
22 into the coal mines. Once these railroads

1 received their permits to build, it was too  
2 late to talk about realignment and landowner  
3 policies. Our negotiation was finished.

4 DM&E's process gave us a chance to  
5 negotiate when we had the most negotiating  
6 power. It was because of my experience as a  
7 landowner along the Burlington Northern and  
8 Chicago NorthWestern that I volunteered to be  
9 a part of the Landowner's Advisory Board. It  
10 has been said that the DM&E should build  
11 along the existing rail lines. We ranch  
12 for 15 to 20 miles along the existing rail  
13 corridor --

14 MR. GARDINER: 30 seconds.

15 MR. STODDARD: -- near Bill,  
16 Wyoming. We see trains set on the track for  
17 hours waiting their turn to get on the  
18 mainline. Another train on that line would  
19 only add to the congestion. While I'm not  
20 thrilled about having a second ranch crossing  
21 by a new alignment, I can now see how putting  
22 more trains on the existing rail corridor

1 will gain any efficiency in moving coal. We  
2 need to reduce coal train congestion, not add  
3 to the problem. I'm not done. I need a  
4 little more time.

5 MR. GARDINER: Okay. Just submit  
6 your comments.

7 MR. STODDARD: Okay. We have  
8 submitted it. But what I wanted to say in  
9 closing -- and shut the clock off. What I  
10 wanted to say in closing is that we support  
11 it. There's a lot of down side to it, but it  
12 helps the development in the western county.  
13 They need it. I mean, Pope and Talbot closed  
14 down, all those things. We need that in that  
15 part. And it's crossing my ranch and I don't  
16 like that, but I see the broader scope.  
17 Thank you.

18 MR. GARDINER: Thank you.

19 MS. SEGER: I'll read as fast as I  
20 can. Hi. My name is Lois Seger. My  
21 husband, Charles, and I ranch in Fall River  
22 County, southeast of Hot Springs, South

1 Dakota. This ranch has been in our family  
2 for over 80 years. We also operate a bed and  
3 breakfast on this ranch. Our ranch is  
4 affected by the proposed preferred line. I  
5 am also a member of the Landowner Advisory  
6 Board developed by the DM&E.

7 I would first like to thank you,  
8 those who represent the agencies that have  
9 obviously put a lot of time and energy into  
10 studying the impact of this project. I think  
11 I can understand a little bit of how you must  
12 feel right now.

13 As a Landowner Advisory Board  
14 member, I have taken some heat from other  
15 landowners affected by this project. While  
16 some of them have thanked us for our input on  
17 this advisory board, others have referred to  
18 us as "Hired Guns" for the railroad. I  
19 resent this statement. I have seen firsthand  
20 the concern and compromise that has come from  
21 the railroad side as we voiced our concerns  
22 for the rights of the landowners.

1                   It was mid 1997 when we first  
2   attended an informative meeting sponsored by  
3   the DM&E Railroad at the Muller Center in Hot  
4   Springs, South Dakota. What a surprise! A  
5   state-of-the-art railroad is in the plans to  
6   be built across our ranch and our neighbors'.  
7   But our neighbors were not at this meeting,  
8   and they needed to hear about it, too. So  
9   Kevin Schieffer and a DM&E engineer made a  
10  special trip to our ranch to explain the  
11  project to us again when our neighbors could  
12  be present.

13                  Concerns were shared, and as a  
14  result of input by our neighbors, the  
15  alignment was changed and now does not cross  
16  our deeded ranch land. It crosses, instead,  
17  an easement that is the only access we have  
18  for trailing cattle and moving haying and  
19  feeding equipment from the north part of our  
20  ranch to the ranch headquarters. The DM&E  
21  listened to our neighbors and they have also  
22  been willing to work with us to resolve our

1 access concerns.

2           Soon after this meeting, Kevin  
3 Schieffer sent all affected landowners a  
4 letter asking for anyone interested in being  
5 a part of a Landowner Advisory Board to  
6 respond. The railroad did not pretend to  
7 know all the ways landowners would be  
8 impacted by the project, and wanted to have  
9 an advisory board of landowners who were  
10 willing to sit down and assist in developing  
11 a comprehensive plan and policy.

12           This board was formed of landowners  
13 from both Wyoming and South Dakota. We met  
14 many times and our meetings were usually all  
15 day work sessions. The result was a plan  
16 that DM&E could use as a guideline for  
17 working with landowners impacted by this  
18 project.

19           MR. GARDINER: 30 seconds.

20           MS. SEGER: We were encouraged to  
21 bring our own lawyers to scrutinize and  
22 recommend changes in this agreement which

1 outline landowner rights and the DM&E  
2 responsibilities. It was offered to all  
3 landowners on a voluntary basis to  
4 participate. They could meet with a DM&E  
5 engineer and see exactly how it would cross  
6 their land and make suggestions and changes  
7 that would make it better. The DM&E -- the  
8 neat thing about the agreement is that the  
9 DM&E is bound by the agreement and the  
10 landowner can cancel at any time with or  
11 without cost.

12 In closing, I would like to ask you  
13 to develop a Final Environmental Impact  
14 Statement as soon as possible. I ask this  
15 even though it affects our ranch. I ask this  
16 because a big picture still tells me that  
17 South Dakota needs to be a part of this  
18 progress, too. This project is a  
19 once-in-our-lifetime opportunity for South  
20 Dakota and the region. Please don't let this  
21 opportunity pass us by.

22 MR. GARDINER: Thank you. Don, I'm

1 going to hold you for a minute, since you've  
2 spoken at previous meetings, and give other  
3 folks an opportunity to speak. Richard  
4 Mueller. And then Orville Hicks, are you  
5 here? Orville Hicks? Okay. You're up next.

6 MR. MUELLER: Thank you. I'm  
7 Richard Mueller. I'm the general manager of  
8 Dakota Ag Coop, and St. Lawrence, South  
9 Dakota is our headquarters. We currently  
10 have four different grain elevators in four  
11 different counties -- four different towns,  
12 in four different counties. In these four  
13 counties, we have the opportunity to  
14 service 2,300 active operators, or farmers  
15 and/or ranchers in these counties.

16 Currently, we handle approximately  
17 eight million bushels of grain out of these  
18 four stations. We are very, very dependent  
19 on the DM&E Railroad to move these  
20 commodities out of our facilities for our  
21 customers. And we are also currently  
22 involved in the start-up of two big

1   expansions at two of our facilities that will  
2   involve somewhere of close to \$3 million for  
3   more storage and upgraded operations for  
4   efficiency to handle the grain for our  
5   patrons; and also, which, in turn, helps the  
6   DM&E Railroad.

7               Eight million bushels of grain, if  
8   we lost our railroad, would end up in  
9   approximately 9,000 semitrucks running up and  
10   down the roads to move that grain to market  
11   some place. Moving this grain to the markets  
12   by semitrucks would totally take away  
13   increased revenue directly from our farmers  
14   and ranchers. We also have them fertilize in  
15   our facility 8,000 tons a year,  
16   approximately 300 trucks.

17              I have been involved in the grain  
18   elevator business for 29 years, mostly in  
19   small towns in both North and South Dakota.  
20   And let us not forget that just about every  
21   one of these small towns, I don't think  
22   Pierre or Brookings, or any of the other ones

1 that are inclusive of this were all started  
2 when the railroads came west to this country.

3 And these towns were all built  
4 around the railroads. The schools built  
5 around the railroads, the hospitals built  
6 around the railroads, and now they're saying  
7 that the railroads are causing them problems,  
8 you know, with the increased traffic --  
9 proposed increased traffic. But I highly  
10 support the expansion of the DM&E Railroad as  
11 the livelihood and economics in our  
12 communities in the State of South Dakota.  
13 Thank you.

14 MR. GARDINER: Mr. Hicks. And next  
15 would be Doug Hogan. And then after that,  
16 Dennis Eisnach. Okay. Mr. Hicks.

17 MR. HICKS: My name is Orville  
18 Hicks. I ranch up here on the Bad River  
19 ways. I'm happy to have this opportunity to  
20 speak to the Board. I've written them a  
21 couple of letters in the past. Basically, I  
22 lose whichever way this railroad deal goes.

1 If you take the bypass, you're going to go  
2 through the mill on the south side. If you  
3 stay like it is, it's going to be on the west  
4 side.

5 But I would -- my concern is this.  
6 I'm speaking to a committee here that seems  
7 to be made up of government officials and  
8 arguing over a quasi-government entity of the  
9 railroad. As the previous speaker mentioned,  
10 the railroads were given tremendous  
11 governmental power when they came west, and  
12 they have a lot of privileges. And I think  
13 that the struggle here is to get a fair  
14 representation.

15 It's not -- like I say, it's not  
16 going to affect me to a great deal, but if --  
17 what I've observed in Nebraska and the Sand  
18 Hills, I don't see those coal trains pulling  
19 any grain cars. I don't see any new  
20 businesses created by those coal haulers. If  
21 you want to go down to Benford, you can get a  
22 classic example of what it does to small

1 communities.

2 I wish you the best. I hope it  
3 happens. Because a lot of these good things  
4 you hope for happens. I think in Pierre's  
5 case, it's going to kill it. Running this  
6 traffic through town is going to kill it.  
7 Nobody wants to buy or live by the railroad,  
8 and neither do you want to come and rent a  
9 motel by the railroad.

10 Like I said, I don't have that much  
11 personally in stake in it. They already  
12 passed me on one side, and if they go -- but  
13 I do think the bypass will save Pierre.  
14 Huron, I can understand your position. It's  
15 north of town that effects it. Midland, I  
16 can understand you're striving for anything  
17 in the works. But I don't think that you're  
18 going to find grain cars on these coal  
19 trains. Thank you.

20 MR. GARDINER: Thank you. Okay.

21 Mr. Hogan.

22 MR. HOGAN: Yeah. My name is Doug

1     Hogan, operations manager for Dakota Mill and  
2     Grain. Dakota Mill and Grain owns and  
3     operates eight country elevators in western  
4     South Dakota, with six of the eight being  
5     served by the DM&E Railroad. Six elevators  
6     served by the DM&E Railroad are located in  
7     Belle Fourche, Sturgis, Wall, Philip,  
8     Midland, and Fort Pierre, South Dakota.  
9     Dakota Mill and Grain strongly supports the  
10    DM&E expansion of its rail line to the coal  
11    fields of western Wyoming and the upgrade of  
12    the existing line.

13                 This project will give the  
14    shippers, both existing and new, better  
15    service, and enable us to new markets and  
16    offer shippers more rail options by offering  
17    new and better connections with other  
18    railroads, which all translates to a higher  
19    price to the producer than we can currently  
20    offer.

21                 In addressing the environmentally  
22    friendly comment, it takes less fuel to move

1 a ton of freight by rail versus truck.  
2 According to the Army Corps of Engineers, the  
3 number of miles that one ton can be carried  
4 per gallon of fuel by truck is 59 miles  
5 versus 202 miles by rail or three times  
6 farther. That means less hydrocarbons or  
7 carbon monoxides.

8           The approval of this project will  
9 save and increase the life of our highways  
10 and interstates from excessive truck wear and  
11 tear. Producers will continue to raise  
12 grains in western South Dakota, but how will  
13 we get this grain to market in the future  
14 depends on how the Surface Transportation  
15 Board decides.

16           The approval of this project will  
17 enable shippers to load approximately 26,000  
18 pounds in each car because of the track weigh  
19 limits will be increasing from the  
20 current 263 to 289,000 pounds. This  
21 additional weight will lower per bushel cost  
22 of shipping wheat to other markets by eight

1     cents per bushel.

2                   In summary, this project will bring  
3     improved rail and road safety to western  
4     South Dakota. It will bring viable long-term  
5     Class I service to western South Dakota, give  
6     access to new domestic and export markets,  
7     grain economic development, high-paying jobs,  
8     generate millions of dollars of additional  
9     tax revenues, and reduce fuel emissions in  
10    our atmosphere.

11                  If forced to truck grain production  
12    that is currently being shipped by rail, it  
13    will reduce the price to the producer by 10  
14    to 20 cents per bushel. Dakota Mill and  
15    Grain currently operates two locations with  
16    no rail, one at Presho and one at Murdo.  
17    They have continued to offer 10 to 20 cents  
18    less to their producers. Thank you.

19                  MR. GARDINER: Mr. Eismach. May  
20    Warren, you're up next. And then Ellen Lee.

21                  MR. EISMACH: Thank you. My name  
22    is Dennis Eismach. I've been a resident of

1 Pierre for the past 30 years. I'm presently  
2 the president of the Pierre Chamber of  
3 Commerce and a member of the Governing Board  
4 of St. Mary's Hospital. I'm also one of the  
5 owners of the Governor's Inn, which is  
6 an 82-room motel located on Sioux Avenue  
7 adjacent to the railroad tracks. I want to  
8 go on record as supporting the DM&E rail  
9 expansion project across South Dakota. It  
10 represents a very positive economic  
11 development opportunity for our state and its  
12 residents.

13               However, I have strong objections  
14 to the rail project coming through Pierre  
15 using the existing rail right of way. Over  
16 the past 30 years, Pierre has developed a  
17 very substantial hospitality industry  
18 attracting numerous conventions, fisherman,  
19 hunters, and tourists. The industry  
20 represents a vital part of the Pierre  
21 economy, bringing an insignificant amount of  
22 out-of-town money and contributing to the

1 state sales tax, both for the city and  
2 county, making a large contribution in real  
3 estate tax to Hughes County.

4           The hospitality industry has really  
5 become a very vital part of the Pierre  
6 economy. The basic infrastructure of this  
7 hospitality industry is located,  
8 unfortunately, adjacent to these railroad  
9 tracks. The volume of train traffic that is  
10 planned would unquestionably have a severe  
11 and negative impact on our hospitality  
12 business. The major issues at stake are  
13 safety, noise, vibration, traffic congestion,  
14 and the general environment.

15           I've heard the argument that the  
16 railroad was in place long before the motels,  
17 restaurants, and convention centers decided  
18 to build in the area. This is true. But it  
19 is also very logical to believe that the rail  
20 service through Pierre was never going to  
21 survive. Even the railroad, so much of its  
22 right of way is through the city. Now it

1 seems to be a mistake on their part as they  
2 consider the line through Pierre.

3           As a long-time resident of Pierre,  
4 I am concerned about the amount of train  
5 traffic in the way we isolate various parts  
6 of our community. The hospital will be cut  
7 off from the majority of the residents in  
8 Pierre. And we only have one fire station on  
9 the same side of the tracks where the  
10 hospital is. Pierre has a volunteer fire  
11 department, which means the people who manage  
12 the trucks and fight the fires have access --  
13 have to have access to their equipment and be  
14 able to get from their jobs to the fire  
15 scene, which is probably going to be crossing  
16 these tracks.

17           It's important also to note that  
18 the motor vehicle traffic pattern in Pierre  
19 is very unique. We have three highways that  
20 come into our city, and they all converge  
21 near the Missouri River bridge. All traffic  
22 coming through Pierre must cross the railroad

1 tracks. At the present time, we have only  
2 one underpass where trains -- where traffic  
3 can cross the tracks without interfering with  
4 the train traffic. The underpass is not a  
5 part of our design truck route, because it  
6 goes through the very heart of our city and  
7 is not a sufficient clearance for many larger  
8 vehicles having only a 11 foot, 3-inch  
9 clearance.

10 In summary, I urge the  
11 Transportation Safety Board to seriously  
12 consider the economic and safety impacts of  
13 allowing the DM&E to use the existing rail  
14 lines through Pierre. The bypass would seem  
15 to be in the long-term interests of DM&E when  
16 they are considering safety and efficiency.  
17 Thank you.

18 MR. GARDINER: Mr. May. And then  
19 Ellen Lee and then Shawn Burke.

20 MR. MAY: My name is Warren May. I  
21 have lived in Pierre for some 80 years. I  
22 practiced law here for 50 years, having

1     retired approximately a year and a half ago.  
2     I represent no one, and my thoughts here  
3     expressed are my own. I believe that it  
4     would be an environmental debacle if the DM&E  
5     is given authority to continue to run 40  
6     trains a day through Pierre. This would be a  
7     distance of some four miles through the  
8     middle of our garden city, the capital city  
9     of this, a small state of some 750,000  
10    citizens.

11               For some fifteen years, by reason  
12    of the taking of properties by the government  
13    for the Missouri River project and the Bureau  
14    of Reclamation and transmission lines and the  
15    interstate highway, I devoted my time almost  
16    exclusively to the trial of condemnation  
17    cases and the representation of the  
18    landowners.

19               In this period, I represented  
20    some 300 landowners and tried over 50 cases,  
21    jury cases in the United States District  
22    Court for South Dakota. I believe I am

1 familiar with the right of entry and the  
2 condemnation laws that presently exist in  
3 South Dakota, and I'm of the opinion that if  
4 there is an accident in Pierre and the DM&E's  
5 trains go off this very, very narrow right of  
6 way and this high grade that one can see out  
7 the window, these people, such as Dennis  
8 Eismach, whose property has been  
9 substantially harmed, are not going to take  
10 it lightly.

11 And it could well be that they  
12 would not permit the DM&E to go on their  
13 property to attempt to remove these tracks,  
14 remove these trains. And when this occurs  
15 and the DM&E has to go down and remove the  
16 accidents from the wreck site from the  
17 highway or from their own right of way, it  
18 will be extremely difficult and there will be  
19 increased harm and danger for future  
20 parties --

21 MR. GARDINER: 30 seconds.

22 MR. MAY: -- by reason of the

1 trucks. And no one can give authority to the  
2 DM&E's going on private property. And  
3 whether it's the president, the judges, the  
4 governor of South Dakota, even if they have  
5 the right of entry, by necessity, it would  
6 take 30 days to exercise that right to go in  
7 there. And when that happens, there's going  
8 to be a catastrophe here in our city.

9 And we would accordingly urge -- I  
10 have no objection to the expansion, but I  
11 would urge that the Board give serious  
12 consideration to require the DM&E to bypass,  
13 as not only would that benefit the 750,000  
14 citizens of South Dakota, but our people here  
15 in our local community. And we think it  
16 would be economically prudent for the DM&E to  
17 do this because, otherwise, their trains  
18 might be out of operation for an extended  
19 period of time. Thank you.

20 MR. GARDINER: Mr. Burke, you're  
21 next. And Sam Tidball.

22 MS. LEE: I'm Ellen Lee. I'm a

1 concerned citizen and I'm vice president of  
2 Outreach at St. Mary's Healthcare Center.  
3 St. Mary's Healthcare Center serves the  
4 population of central South Dakota and is the  
5 only hospital within a 60 to 100 mile radius  
6 of Pierre, the capital city of South Dakota.  
7 Our health care providers are very concerned  
8 about the proposed railroad expansion. We  
9 support the stand of the City of Pierre and  
10 the Pierre Area Chamber of Commerce: We  
11 support the expansion with a bypass.

12           We have concerns with the trains  
13 passing through town at a high speed, with  
14 over 30 trains a day. This type of traffic  
15 would block off emergency services each time  
16 a train passes through. Not only would this  
17 affect a great number of people of Pierre, it  
18 would also affect ambulances and emergency  
19 vehicles from many other communities. We are  
20 concerned that access to emergency services  
21 would be seriously compromised.

22           The main intersection by the

1 healthcare center is called the "S" curve.  
2 This intersection is the busiest railroad  
3 intersection in the State of South Dakota.  
4 There is only one railroad underpass in the  
5 city, and it is many blocks away from the  
6 healthcare center. Safety at the "S" curve  
7 intersection is of great concern to all of  
8 us.

9 As past president of the Pierre  
10 School District, I'm also very concerned  
11 about the safety of our students as they  
12 cross the railroad several times a day. This  
13 issue could also be resolved with a bypass  
14 option.

15 I live at 1100 Lakewood Drive,  
16 which is a block away from the railroad  
17 bridge. I have not been able to get a good  
18 explanation of how the railroad plans to take  
19 the train over this bridge and maintain the  
20 speed it needs. I cannot see this expansion  
21 being able to proceed without building a new  
22 bridge, which takes us back to the bypass as

1 an acceptable alternative to all of the  
2 safety issues our community keeps raising.

3 As an active community member, a  
4 concerned parent, a property owner, and an  
5 employee of St. Mary's Healthcare Center, I  
6 urge the Surface Transportation Board to  
7 listen to our issues and do the right thing.  
8 Please include a bypass around Pierre in this  
9 expansion project.

10 MR. GARDINER: Thank you.

11 MR. TIDBALL: Good afternoon. My  
12 name is Sam Tidball. I'm the Mayor of Fort  
13 Pierre. I want you to know that we are in  
14 support of improved rail service in our  
15 state. There are some safety concerns,  
16 however, that bring us to urge the bypass of  
17 the city with long and numerous coal trains,  
18 unless our safety concerns can be alleviated.

19 We have three points that are a  
20 major concern with the increased rail traffic  
21 in the city. The first concern is that  
22 Highways 14 and 34 that come in to cross the

1 Missouri River bridge just east of the  
2 railroad tracks. At that point, the daily  
3 vehicle traffic is from 13,000 to 17,000 per  
4 day, with an average daily count of  
5 approximately 15,000.

6           The people that live in Fort Pierre  
7 and work in Pierre, or vice versa, will no  
8 doubt cross that railroad track several times  
9 a day; plus, of course, the trucks and other  
10 service traffic that carry on the commerce in  
11 the community. Delays for normal traffic may  
12 be discounted as an annoying inconvenience.  
13 But ambulances and fire fighting equipment  
14 can be seriously delayed with the long  
15 trains, as well as being tied up by the  
16 traffic that will be blocked on the highway  
17 for extended periods.

18           It is our understanding, because of  
19 the curves in the rail line approaching the  
20 Missouri River bridge, that the train will  
21 have to slow down considerably, which would  
22 extend the time that the traffic will be

1 stopped. There is no other route to get to  
2 medical facilities in Pierre, and we have  
3 none in Fort Pierre or anywhere close by.  
4 The two communities, Pierre and Fort Pierre,  
5 rely heavily on each other in case of  
6 emergencies. Blockage of traffic delays will  
7 not allow fire fighting or rescue equipment  
8 to move quickly or freely between the two  
9 cities.

10           The second major concern is in the  
11 area of the schools. And safety of those  
12 students is a serious matter. The area is  
13 served by two streets a block apart, which  
14 would mean the two streets would be tied up  
15 with a train at the same time, so the  
16 students, as well as emergency vehicles,  
17 would not have ready access.

18           The third concern is the narrowing  
19 on the south side of the Bad River. There is  
20 only one street out in that section of the  
21 city. A couple of years ago the train  
22 derailed, shutting off any access to the

1 area. There was an emergency call for an  
2 ambulance which could not get there.  
3 Fortunately, the person survived. And  
4 subsequently --

5 MR. GARDINER: 30 seconds.

6 MR. TIDBALL: -- I have to give  
7 credit to the DM&E Railroad. They did help  
8 us establish an emergency route under the  
9 railroad truss close to the river. However,  
10 that route is usable as long as it's dry or  
11 there's no heavy snow, which is a serious  
12 concern.

13 For those reasons, we urge you to  
14 require or seriously consider the bypass  
15 through the city of Pierre and Fort Pierre.  
16 We recognize the responsibility that you have  
17 concerning this project. Please consider the  
18 serious impact to the several thousand people  
19 that live in this particular area. Thank  
20 you.

21 MR. GARDINER: Okay. Mr. Russell.

22 MR. RUSSELL: I'm Jim Russell. I

1 am a C.E.O. of St. Mary's Hospital. I have  
2 lived in Pierre for the last 23 years.  
3 During that time, the hospital has expanded  
4 substantially, growing, tripling in size to  
5 become the largest nongovernmental employer  
6 in town. We have grave concerns about the  
7 expansion. We're in favor of the expansion,  
8 but we would support the bypass for obvious  
9 reasons that have been restated several times  
10 here.

11 We're concerned about the  
12 community, not only the community, but the  
13 entire region. Most of the population in the  
14 region would be separated from the healthcare  
15 facility by the railroad. And if an accident  
16 occurred, a derailment, obviously we would be  
17 cut off from that. We serve a radius of  
18 about 110 miles. We're the largest hospital  
19 in that region and the only one that can  
20 service this area. Therefore, we have some  
21 very sensitive equipment, such as MRIs and  
22 CAT scanners. Each of these cost in excess

1 of \$1 million.

2 We're concerned about the vibration  
3 and the noise that the railroad would create.  
4 Virtually all the clinics, except one, lie  
5 within two blocks of the railroad. One or  
6 two trains by a day does not create a major  
7 problem, but 40 trains a day would create  
8 major problems for these clinics, as well as  
9 the hospital.

10 Again, we spent over \$40 million  
11 for the last 23 years. Why did we stay  
12 there? The assumption was that the railroad  
13 would continue at its present activity and  
14 not grow substantially as it has. The sale  
15 of their land in the region has sort of  
16 justified that to the assumption, and we  
17 continue to expand on that basis. Rerouting  
18 the railroad would appear to be the  
19 appropriate way of allowing DM&E to expand  
20 their activity without compromising the  
21 quality of life, the safety, and the  
22 continued improvement in Pierre. Thank you.

1                   MR. GARDINER: Thank you very much.

2   Mr. Adam. And then Mr. Obermeier.

3                   MR. ADAM: Good afternoon. My name  
4   is Tom Adam. I've lived in Pierre  
5   since 1962. My wife and I raised our family  
6   here. We're very fond of this whole  
7   community. I did write a letter several  
8   weeks ago to the Surface Transportation Board  
9   at your Washington D.C. Office, I believe.  
10   I believe that's on file. If I understand  
11   the nature of this afternoon's meeting,  
12   though, is to emphasize the environmental  
13   issues which may relate to this expansion.  
14   And I know that the mayor of Pierre was about  
15   to get to that point when Claude cut him off.  
16   He'll come back and pick up on that, so I  
17   won't be repetitive.

18                  I just want to point out a couple  
19   of things which we here think are somewhat  
20   obvious. In the 2,000 page report, we were  
21   told in the three or four first sentences  
22   that environmentally you could not build

1 along the suggested alternate route. That's  
2 what the City of Pierre would like to have  
3 you consider, at least reasonably consider  
4 it.

5 And the reason why is primarily it  
6 wasn't environmentally correct to do that.  
7 Well, I know, as I stand here, someone is  
8 going to expand the width of Highway 83 from  
9 Fort Pierre to the interstate. Even as we  
10 chat, that's been determined to be the  
11 environmentally correct thing to do.

12 We don't live on the Missouri River  
13 any more. We live on the lake. We back  
14 water to Bismarck, North Dakota. Ft.  
15 Thompson backs water to Pierre. Ft. Randall  
16 backs water to Ft. Thompson. Then you get  
17 down to Gavins Point, and it backs water  
18 again. It would be hard for us to find the  
19 river out there, but it's there. But you're  
20 talking about crossing the lake out there,  
21 Lake Sharpe.

22 Now, there's a town called

1     Springfield, South Dakota, that is on the old  
2     Missouri River. Within the last several  
3     years, someone built a highway bridge from  
4     Springfield, South Dakota, across the  
5     Missouri River to no place in Nebraska, and  
6     that was the environmentally correct thing to  
7     do. Even as we chat, in Yankton, South  
8     Dakota, they're either going to build a new  
9     highway bridge or reconstruct the current  
10    one. That's environmentally correct.

11                 30 miles towards Sioux City and the  
12    community of Vermillion, they recently  
13    constructed a highway bridge to another place  
14    called no place in Nebraska, and that was  
15    environmentally correct. And of course, we  
16    have a lot of bridges in Sioux City going  
17    into Nebraska and going to Iowa. My point  
18    is, it does not seem to be consistent with  
19    thinking that we can build that many bridges  
20    and expand a highway in the same area for  
21    those purposes --

22                 MR. GARDINER: 30 seconds.

1                   MR. ADAM:  -- but not consider the  
2    bridge here on the ultimate plan.  So my  
3    point is, just reconsider the suggestion to  
4    give us the alternate route.  Thank you very  
5    much.

6                   MR. GARDINER:  Okay.  
7    Mr. Obermeier.

8                   MR. OBERMEIER:  Yes.  I'm Pete  
9    Obermeier and I'm here today because you  
10   folks have the power to prevent Mr. Schieffer  
11   from driving 30 coal trains a day right  
12   through the heart of our communities and our  
13   lives.  I'm going to leave the economics to  
14   the folks that have a better command of the  
15   numbers.  But after the heart of our economic  
16   base is devastated, there still remains, in  
17   both communities, a long strip of homes, like  
18   mine, a chunk of coal's throw from the  
19   tracks.

20                  What I want to talk about is the  
21   personal, human toll.  Two years ago I  
22   had \$1,000 worth of entry systems, what we

1    used to call doors, put in my house. Last  
2    week, the wind blew one of my doors open.  
3    This, after repeated adjustments by the entry  
4    system specialist. I finally realized it's  
5    because this 60-year old house is still  
6    settling, thanks to a combination of Pierre  
7    soil and the railroad tracks being less than  
8    a block from my house. It's only going to  
9    get worse with the faster and more frequent  
10   trains.

11                In Pierre, houses that aren't even  
12   near the tracks have slid down hill, and have  
13   got soil like Paul Berrington in a lot of  
14   places. With 30 coal trains a day, I'm going  
15   get a ticket for parking my house out at  
16   Wells Avenue. There's only my neighbor's  
17   house, with a big crack in the basement  
18   foundation now, then Wells, then a strip mall  
19   between my home and the tracks. Soon that's  
20   going to be a ghost mall. Tenants are  
21   already bailing out of that place. This is a  
22   precursor of the ghost strip through town to

1     come.

2                   If you want see what this is going  
3     to be like, watch that Burger King commercial  
4     where you got the real good deal and then  
5     every eight minutes the train runs by and  
6     pictures are falling off the wall. My  
7     windows rattle. The cracks I repaired when I  
8     moved in that house five years ago are  
9     redeveloping. Also, my doors rattle where I  
10    work. I'm an alcohol and drug counselor and  
11    when I'm seeing clients and the doors are  
12    starting to rattle, they're looking around  
13    for ghosts.

14                  The important thing though, more  
15    important than the value of my house, which  
16    obviously is about ready to be worth less, is  
17    the value of my home. I don't want to sell  
18    and get out, if I even could now. I love my  
19    home. And I say "mine," even though the  
20    banks still owns 75 percent. Probably 100  
21    percent after the value drops with this  
22    railroad deal. It's mine because of all the

1 work I've done on it.

2 I finally found a home in Pierre,  
3 and now Mr. Schieffer is going to drive 30  
4 coal trains a day through the heart of it.  
5 By heart, I mean what makes it a home and not  
6 just a house. A place where I can find  
7 peace. I consider last night one of my  
8 better nights. I worked until 10 o'clock and  
9 got to sleep about midnight. I woke up at  
10 quarter two, at four, and at six. This is a  
11 lifelong problem. But I fell right back  
12 asleep. Each time I got a shot at what they  
13 consider enough time to get some deep sleep.  
14 Some nights I'm not so lucky. If I have to  
15 contend with a train whistle, I'll never get  
16 that lucky.

17 Night after night, that train will  
18 be laying on the whistle at the S curve five  
19 blocks from my home, and staying on it for  
20 another two blocks after it gets past it.  
21 Now, Mr. Schieffer is going to be driving a  
22 dagger into my heart. My question is, is it

1    okay to destroy the peace and quiet of what  
2    was one of the 12 best small towns in America  
3    by driving 30 coal trains a day through its  
4    heart like a stake through the heart of a  
5    vampire? Pierre citizens should get as much  
6    consideration as a snail darter, huh? Again,  
7    please don't let Mr. Schieffer drive 30 coal  
8    trains a day through the heart of our homes,  
9    our communities, and our lives. Thank you.

10               MR. GARDINER: Okay. Mr. Higgins,  
11    you'll be up next. Laura Sulken, is she  
12    here? Mr. Higgins, and then Mayor Drewes.

13               MR. HIGGINS: It's a pleasure to  
14    indicate my opposition, total opposition to  
15    this project we call Alternative A, the no  
16    build. We're not just talking about a bypass  
17    around Pierre. We're talking about  
18    approximately 300 miles of new construction  
19    from Wall to the coal mines. I applaud you  
20    people to defend your home turf. Other  
21    people west of here are defending theirs.

22               We're here today to discuss the

1 contents of the Draft EIS. Wonderful  
2 philosophy can be said that the contents of  
3 this document are so deficient and incomplete  
4 that a project of this scale is no way  
5 merited by the 32 pounds, the 2,000 pages.  
6 This is not an adequate document. I have a  
7 list of probably 120 items on the document  
8 that are inaccurate, incomplete because I've  
9 taken time to read a lot of this document.

10 And what we're commenting on in the  
11 comment period is the content of these  
12 volumes. And almost every volume has  
13 problems. That's why I support the no build.  
14 Or, let's go back and do a second draft  
15 without all the snow job in this one.

16 One of my big problems is with the  
17 maps. I have several, maybe four or five  
18 versions of DM&E maps here, and I can't  
19 find -- including the best maps are the Corps  
20 of Engineers' maps on the 404 Permit.

21 I cannot find sidings. I have a  
22 table of sidings in all of the volumes, but I

1 cannot find anything to make sense on the  
2 maps indicating the sidings that may be  
3 from 3 to 12 miles long, spaced out X number  
4 of miles. I can't find that. So I'm torqued  
5 off because information on the maps is  
6 inadequate.

7 And then we would say, without  
8 sarcasm, in the unlikely event of a  
9 derailment -- this was part of a coal car  
10 (indicating) for derailment. It takes a  
11 matter of seconds when a wheel breaks. If a  
12 derailment were to occur here in Pierre or  
13 out on the bypass, whamo. The whole show  
14 stops. Railroaders can tell you that. You  
15 can't keep dragging aluminum.

16 MR. GARDINER: 30 seconds.

17 MR. HIGGINS: 30 seconds. Good.

18 I'm just warming up. Warm as I've been all  
19 day. However, we have major problems that  
20 can't be mitigated. We have real world  
21 engineering matters that cannot be solved by  
22 philosophy or good talk, best management

1 practices.

2 Imagine this aluminum flying off in  
3 the neighborhoods of Pierre or in Wall or out  
4 in the Black Hills. Imagine the real world  
5 impacts of what you're talking about. And  
6 get with on reading the Draft and commenting  
7 very directly on inefficiencies and  
8 inadequacies of this document. Thank you.

9 MR. GARDINER: Thank you.

10 MR. DREWES: Thank you. Gary  
11 Drewes again. I appreciate the opportunity  
12 to cover some other bases here. Obviously,  
13 in order for the trains to travel across  
14 South Dakota, at some point in time they have  
15 to cross the Missouri River. They currently  
16 cross between Fort Pierre and Pierre on a  
17 bridge that was constructed at the turn of  
18 the 19th Century.

19 That nearly 100-year old bridge is  
20 even listed on the national historic  
21 registry. Mr. Schieffer has even told me  
22 personally that he believes in order to use

1 the site of the current bridge, DM&E would  
2 have to dismantle the bridge and rebuild.

3 At maximum, DM&E is proposing to  
4 move 100 million ton of coal a year. That  
5 would amount to about 13,500 trains through  
6 our community, or 37 full trains and 37 empty  
7 trains every day, plus the three normal  
8 trains per day.

9 At minimum, DM&E says it would have  
10 to move 40 million tons of coal a year to  
11 make money. That equates to 5,400 coal  
12 trains per year, or 15 full trains and 15  
13 empty trains, plus the three normal trains  
14 per day. That is a minimum of 33 trains per  
15 day, and possibly up to 77 trains per day  
16 running through our cities.

17 Within Pierre, 9.3 percent of all  
18 property taxes are paid on property  
19 immediately adjacent to the railroad tracks.  
20 This includes many motels and restaurants  
21 which help accommodate our hospitality driven  
22 economy. And there is much other very

1 valuable property along this line which is  
2 nontaxable.

3           For example, our convention center,  
4 the several blocks of park land, the school  
5 administration building, the middle school,  
6 Midtown apartments, the boys and girls club,  
7 and the Pierre Indian Learning Center. 19  
8 homes in Fort Pierre and one home in Pierre  
9 are adjacent to the rail line. Properties I  
10 have just mentioned are only properties that  
11 abut the railroad and doesn't include those  
12 that have a little buffer zone on them, like  
13 McDonald's, and all of the homes along  
14 Pleasant Avenue.

15           The Pierre "S" Curve is the highest  
16 traffic crossing in the entire state, with  
17 nearly 20,000 vehicles per day. In fact,  
18 about 41,000 vehicles cross the DM&E tracks  
19 in Pierre every day.

20           Another 8,800 vehicles cross the  
21 tracks in Fort Pierre. Now, keep in mind  
22 there is only one railroad overpass in

1 Pierre. Safety issues are enormous.  
2 Emergency vehicles by the police, fire, and  
3 ambulance could be impaired. And even  
4 getting to St. Mary's Healthcare Center is a  
5 major concern.

6 Pierre is the seat of state  
7 government. We have a large influx of people  
8 doing business in our community on a daily  
9 basis. Whether you are a visitor or  
10 resident, I guarantee, to move throughout  
11 this community you are constantly crossing  
12 the railroad tracks.

13 We have only one railroad overpass,  
14 and with the proposed coal trains, we can't  
15 handle all of our traffic funneling to the  
16 central part of the community to get from one  
17 side of the tracks or the other. A main  
18 portion of our local economy is tied to the  
19 hospitality industry. Unit coal trains would  
20 have a devastating effect on our business  
21 community.

22 Let's be realistic. DM&E cannot

1 use the existing bridge for unit coal trains.  
2 The bridge itself could not handle the unit  
3 coal trains, and the degree of curvature will  
4 not allow the trains to travel at the speed  
5 necessary. A new bridge in the same area  
6 doesn't help with many safety issues, and  
7 DM&E does not have sufficient right of way to  
8 provide adequate safety or grade separations.

9 I encourage you to consider the  
10 damaging effect unit coal trains would have  
11 on the communities of Pierre and Fort Pierre.  
12 And I ask you, again, to reconsider a bypass  
13 proposal for this project. And I ask you,  
14 why should our communities have to sacrifice  
15 in order to accommodate the proposed DM&E  
16 upgrade? Thank you.

17 MR. GARDINER: Okay. That  
18 concludes the comments that we have for this  
19 afternoon. I appreciate all of your  
20 thoughtful comments and all the agencies do,  
21 as well.

22 Those of you who felt like you had

1 to rush through, or spoke fast and were  
2 concerned that the court reporter might not  
3 have captured it, or weren't able to go  
4 through all of your statements, please leave  
5 them with us at the door and we'll make sure  
6 that they get transcribed and incorporated  
7 into the record. Again, I appreciate your  
8 comments. Thank you very much for your oral  
9 comments.

10 (Whereupon, at 3:25 p.m., an  
11 afternoon recess was taken.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

(6:00 p.m.)

We're going to get started. My name is Charles Gardiner. I'm acting as a facilitator tonight. My role is to help make the meeting as productive as possible for all of you, as well as all of the project team is here. We're here to talk about the DM&E -- the proposed DM&E expansion project. So if you're expecting something else, you're in the wrong room.

But I'm going to cover a couple of logistical things, the purpose of the meeting, and some guidelines and so forth. And then we're going to have a short presentation to give you an overview. But we want to get to your comments as quickly as possible.

A couple of things that we want to accomplish in the meeting, we want to describe the agency roles. The federal

1 agency has been involved in this project, to  
2 give you a sense of that and their role of  
3 reviewing the project. We want to provide a  
4 short overview of the project, what it  
5 entails, and describe the preliminary results  
6 of the environmental review of the project.  
7 And most importantly, we want to receive  
8 comments from you tonight.

9           The agenda is in line with the  
10 purpose of the meeting. And we're going to  
11 start with some introductions and some ground  
12 rules for how we're going to operate this  
13 evening. We're going to describe the role of  
14 the Surface Transportation Board, which is  
15 the leading federal agency in reviewing the  
16 proposed DM&E project.

17           We're also going to describe the  
18 other federal agencies that are cooperating  
19 with the Surface Transportation Board in the  
20 environmental review; provide an overview of  
21 the project. Also, describe the results of  
22 the environmental review; and most

1     importantly, allow time for all of you folks  
2     to provide comments.

3             Let me describe a couple of things  
4     that you probably picked up at the door, and  
5     how those work. First, is the package that  
6     is the blue sheet that has our agenda on it.  
7     It has a couple of other things in it, as  
8     well. Some information about how to sign up  
9     to speak. There are people who  
10    preregistered, who called the hotline and are  
11    registered to speak tonight. Also, you can  
12    sign up at the table if you want to provide  
13    us with some oral comments tonight.

14            Some ground rules that I'm going to  
15    cover in a minute. There is also an  
16    explanation to provide written comments. And  
17    on the back of that sheet, is all of the  
18    addresses for providing written comments on  
19    the Draft EIS, Draft Environmental Impact  
20    Statement, and also on some of the other  
21    permit applications that are associated with  
22    the project, and some other activities the

1 Forest Service will describe, as well.

2 The last page, the little short  
3 sheet shows the Surface Transportation Board  
4 website. So if you're online, you can get  
5 access to the environmental document at that  
6 site.

7 It also shows the hotline where you  
8 can contact the project team. It's not a  
9 place to provide comments. We prefer to have  
10 the comments in oral tonight or in writing.  
11 But it is a place where if you have some  
12 questions about what libraries the documents  
13 are available in and so forth, you can call  
14 the hotline.

15 You also have a white sheet. It  
16 looks like this (indicating). This is a  
17 comment sheet. It's a form that you can use  
18 to provide written comments. You can do that  
19 while you're sitting here tonight. If you  
20 have comments that you want to provide, leave  
21 them on the way out or you can take it out  
22 and fill it out, or you can write comments in

1 some other form and provide those, as well.

2           And lastly, sometimes people have  
3 questions that they want the team to answer.  
4 We're really not here tonight to answer  
5 questions about the documents. We're really  
6 here to hear comments. And so if you have  
7 questions about the document, I encourage you  
8 to reformat those as comments. For example,  
9 if something isn't clear in the document,  
10 tell us that. "I don't understand," or "This  
11 document is not clear," or "The document  
12 needs more information about..." and those  
13 kinds of things.

14           So normally we answer those kinds  
15 of questions tonight. But some people may  
16 have, after we do the presentation, may have  
17 some procedural questions: When does the  
18 comment period end? What libraries are  
19 closest to review the documents, those kind  
20 of things. So if you fill out this part,  
21 which we have on the back table, if people  
22 have those kinds of questions, we'll take a

1 break at some point in time and answer those.

2 So that's the purpose of that.

3 So, let me touch base on the ground

4 rules we have for this evening. The first

5 one is that we really want to have one

6 speaker at a time. We have a court reporter

7 who is transcribing tonight's meeting, so it

8 really is important for her that to be able

9 to capture everything, that we have one

10 speaker at a time. It also is quite

11 distracting, as you'll notice right now, the

12 people talking in the back of the room, that

13 it may be hard for you to hear. So it's very

14 important to minimize that, so that we can

15 participate direct comments up here to the

16 front.

17 I want to honor the time limits.

18 We are going to set a time limit on the

19 comments so we can give everybody fair access

20 to hear your comments. Particularly, if

21 you're down the list, I'm sure you'll all

22 appreciate the people in front of you being

1 short and to the point. The time that we've  
2 set is three minutes. To give you a little  
3 bit of a rough draft on how much you can  
4 cover in three minutes, if you have a written  
5 statement that you want to read, you can get  
6 through about a page and a half of it. So if  
7 you have something longer than that, you  
8 might want to start thinking now about what  
9 are your key points and maybe just highlight  
10 those.

11 We would encourage you, if you have  
12 a written paper, please leave it with us. It  
13 helps the court reporter make sure she  
14 captured everything that you've said; and  
15 also, we'll get it incorporated into the  
16 record. So don't feel like you've prepared a  
17 long statement and you have to cover it all.  
18 We'll capture everything if you leave it with  
19 us. So we want to be concise. Summarize  
20 your comments so we can get to everybody.

21 Last, is respect everybody's  
22 opinions. This project is controversial.

1 There are different opinions. There are  
2 opponents; there are supporters. We're here  
3 to hear all of those comments and hear them  
4 equally. So if you disagree with the  
5 commentator, I encourage you to keep that to  
6 yourself. If you support the commentator, I  
7 encourage you to support them and to reserve  
8 until the end because of the time to hear the  
9 comments on. So now is a good time for  
10 everybody to nod that we agree with those  
11 ground rules and we'll live by them. And  
12 that's our plan.

13 And so let me just quickly  
14 introduce who's going to speak, and then  
15 we'll get right to the short presentation,  
16 and then we'll get right into the comments.  
17 Vicki Rutson is here with the Surface  
18 Transportation Board. She is the project  
19 manager of the environmental review for the  
20 Surface Transportation Board. Steve  
21 Thornhill is here from Burns and McDonnell.  
22 They are consultants of the Surface

1 Transportation Board. Steve is the project  
2 manager for the environmental review and is  
3 responsible for preparing environmental  
4 documents under the Forest guidance.

5 Wendy Schmitzer is here from the  
6 Forest Service. She's going to talk briefly  
7 about the Forest Service's role in the  
8 environmental review. And Jerry Folkers is  
9 here from the US Army Corps of Engineers.  
10 He's going to talk about their role in some  
11 of the permit applications related to the  
12 waterways and those types of things. And  
13 with that, I will pass it to Vicki to begin  
14 our show of the presentation.

15 MS. RUTSON: Thank you, Charles.  
16 Can everyone hear me? Okay. Again, I'm  
17 Vicki Rutson. I'm an attorney with the  
18 Surface Transportation Board section of  
19 Environmental Analysis. I'm pleased to be  
20 here with you tonight, and I'm anxious to  
21 hear your comments on the Draft Environmental  
22 Impact Statement. I would like to spend a

1 few moments telling you a little bit about  
2 the Surface Transportation Board and what the  
3 Board's role is in reviewing the Dakota,  
4 Minnesota, and Eastern Railroad's proposed  
5 expansion project.

6 The Board is an independent  
7 adjudicatory federal agency. It's a small  
8 agency located in Washington, D.C. The Board  
9 members themselves are three: a chairman, a  
10 vice chairman, and a board member. Those are  
11 the decision-makers on the Surface  
12 Transportation Board that will be looking at  
13 this project.

14 DM&E filed its application with the  
15 Board to construct a new rail line into  
16 Wyoming's Powder River Basin in February of  
17 1998. That started two processes at the  
18 board. The first process is called the  
19 Transportation Merits Review. That's a  
20 review that involves three different  
21 questions.

22 The Board asks: Is the applicant

1 financially fit? Is what the applicant  
2 proposed, is that in the public interest?  
3 And finally, is there a public need for what  
4 the applicant is proposing? Those are the  
5 three questions that the Board asks under the  
6 Transportation Merits Review.

7 In December of 1998, the Board  
8 issued a decision answering those questions  
9 in the affirmative. The Board says, based on  
10 the information that DM&E has filed to date,  
11 back in 1998, the Board feels that DM&E has  
12 met the transportation merit requirements.  
13 But, the Board said, we don't have all of the  
14 information before us that we need to make a  
15 final decision on this application because  
16 the environmental review process has just  
17 started, and we don't have the information on  
18 the environmental review process before us to  
19 make a final decision. There can be no final  
20 decision on DM&E's proposal until the  
21 environmental review process is complete.

22 So that brings us to where we are

1 now. We've been engaged in the environmental  
2 review process for some time. We've  
3 conducted scoping meetings. We've gotten  
4 public comments on the scope of the document.  
5 And on September 27th, we issued a Draft  
6 Environmental Impact Statement. And now,  
7 we're asking for your comments on the Draft  
8 Environmental Impact Statement.

9 In issuing the Draft statement, we  
10 were hoping to accomplish a number of things.  
11 First, to disclose to everyone what we  
12 believed the potential environmental impacts  
13 of DM&E's proposal are. Also, the potential  
14 environmental impacts of various  
15 alternatives, including the No-Build  
16 Alternative to DM&E's proposal.

17 (Interruption)

18 MS. RUTSON: All right. Let me  
19 drone on about the potential environmental  
20 impacts. We also set forth our preliminary  
21 recommendations of routes, what we thought  
22 appear to be environmental preferable based

1 on the information that we had. And we also  
2 set forth preliminary recommendations for  
3 mitigation of environmental impacts. That's  
4 what we did in the Draft statement.

5 Most importantly though, we asked  
6 for your comments. We established a comment  
7 date of 90 days, which is twice as long as  
8 the 45 days recommended by the Council on  
9 Environmental Quality. This is because, as  
10 you all know, the document is long and is  
11 complex. So we understand it takes quite a  
12 bit of effort to get through it and to be  
13 able to formulate your comments. Right now,  
14 comments are due January 5th, 2001.

15 I'd also like to tell you that the  
16 Board is the lead agency, but we're working  
17 with five cooperating federal agencies in  
18 producing the Draft Environmental Impact  
19 Statement. Those other agencies are the  
20 Forest Service, the Bureau of Land  
21 Management, the Army Corps of Engineers, the  
22 Bureau of Reclamation, and the Coast Guard.

1 Representatives of two of those agencies are  
2 with me tonight and will be talking a little  
3 bit about their agency's role in this  
4 process.

5           Before I turn the mike over to the  
6 representative from the Forest Service, I  
7 would like to tell you a little bit about the  
8 next step in the process. When the comment  
9 period closes, we'll then take all your  
10 comments and we will be responsible for  
11 assessing them and responding to them in a  
12 Final Environmental Impact Statement. If  
13 appropriate, we will also be conducting more  
14 environmental analysis in that Final  
15 Statement.

16           When we issue the Final  
17 Environmental Impact Statement, that will be  
18 the close of the environmental review  
19 process. At that point, the decision-makers  
20 will have all of the information in front of  
21 them that they'll need to issue a final  
22 decision on DM&E's proposal.

1           The Board will have to make a  
2   decision, and it will have three options  
3   before it. It can review all the information  
4   and then choose to approve DM&E's proposal,  
5   as DM&E submitted it. The Board could decide  
6   to approve DM&E's proposal, but only if  
7   certain conditions are imposed that would  
8   mitigate some of the effects, including  
9   environmental effects. Or third, the Board  
10   could choose to deny DM&E's proposal. The  
11   Board will have to choose one of those three  
12   options and issue a decision.

13           So with that, I would like to turn  
14   the mike over to the representative of the  
15   Forest Service, Wendy Schmitzer. And again,  
16   thank you very much for coming this evening,  
17   and I'll let you know that I'm looking  
18   forward to hearing your remarks.

19           MS. SCHMITZER: Thanks, Vicki. I'm  
20   Wendy Schmitzer, and I am with the US Forest  
21   Service stationed out of Douglas, Wyoming.  
22   I'm an environmental analyst for the Medicine

1 Bow Route National Forest and the Thunder  
2 Basin National Grasslands in Wyoming. I'm  
3 also representing the Nebraska National  
4 Forest and the Buffalo Gap National  
5 Grasslands out of South Dakota. I'm also the  
6 project coordinator for the DM&E project for  
7 the Forest Service.

8 My agency is to act upon the  
9 application of the DM&E Railroad for an  
10 easement crossing both of those national  
11 grasslands, and it's up to us to determine  
12 whether or not to grant the easement based on  
13 the environmental analysis and based on  
14 working with our cooperating agencies; and,  
15 of course, based on public comments.

16 In addition to the public comment  
17 on the Draft EIS, we are also looking for  
18 comments on whether or not to amend the  
19 forest plans. If an action alternative is  
20 selected, we would need to amend the existing  
21 forest plans. And we are also looking for  
22 comments on that. I really appreciate you

1 all coming out tonight, and I really look  
2 forward to hearing from you. And now, I  
3 would like to introduce Jerry Folkers from  
4 the US Army Corps of Engineers. Jerry.

5 MR. FOLKERS: Thank you. Good  
6 evening. I'm Jerry Folkers with the Corps of  
7 Engineers. I'm the project manager within  
8 the Omaha District Corps of Engineers. The  
9 Omaha District Corps of Engineers will be  
10 responsible for reviewing project impacts  
11 within the states of Wyoming and South  
12 Dakota. The St. Paul District will be  
13 reviewing projects associated in Minnesota.

14 Corps permits jurisdiction in this  
15 matter is based on Section 404 of the Clean  
16 Water Act, and Section 10 of the Rivers and  
17 Harbors Act. Corps permits are required for  
18 the discharge or placement of dredged or fill  
19 materials into waters of the United States  
20 which include rivers, creeks, and wetlands.  
21 Corps permits are issued when it is  
22 determined that a proposal is not contrary to

1 the public interest and the plans represent  
2 the least environmental damaging  
3 alternatives.

4           There are many factors which are  
5 considered during our public interest review.  
6 Some of these include wetlands and wildlife  
7 habitat, water quality, safety, cultural  
8 resources, flood plain values, land use, and  
9 economics. Information of the Draft  
10 Environmental Impact Statement and comments  
11 generated by the Draft EIS and the Corps of  
12 Engineers, the comments received from the  
13 public during these public hearings will be  
14 used to make the determination of whether to  
15 issue a Corps permit. With that, I'll  
16 introduce you to Steve Thornhill of Burns and  
17 McDonnell.

18           MR. THORNHILL: Thank you. Good  
19 evening everyone. My name is Steve  
20 Thornhill. I'm with Burns, McDonnell  
21 Engineering. We're the firm that was hired  
22 to work under the guidance and direction of

1 the Surface Transportation Board to assist  
2 them in preparing a Draft Environmental  
3 Impact Statement. What I'm going to do this  
4 evening is provide just a very brief overview  
5 of what's contained in the DEIS, and some of  
6 the conclusions and recommendations that came  
7 out of it.

8           The Draft EIS itself has several  
9 components. One of the things that it  
10 intends to do is to describe the existing  
11 environment or existing conditions within the  
12 project area. In doing that, it attempts to  
13 kind of paint a broad picture of what the  
14 environmental and natural resources in the  
15 project area are, so that the reader has an  
16 idea of what's out there and what the  
17 conditions are in the area.

18           The second thing that it does is it  
19 analyzes the impacts of the various  
20 alternatives on those different resources.  
21 And those are alternatives that, through the  
22 process, were determined to be reasonable and

1 feasible alternatives to meet the project's  
2 purpose and need.

3           One of those alternatives in this  
4 case, and as required by the National  
5 Environmental Policy Act, is the No-Action  
6 Alternative. As was noted earlier, the Draft  
7 Environmental Impact Statement was released  
8 on September 27th of 2000. There is a 90-day  
9 comment period, at which comments are due  
10 January 5th.

11           To start off, the Draft  
12 Environmental Impact Statement discusses the  
13 project's purpose and needs. And in this  
14 case, the project has really just two  
15 purposes or needs that were identified. The  
16 first, is by constructing new rail line into  
17 the Powder River Basin of Wyoming, the  
18 project would give DM&E the financial  
19 resources and other resources in which to  
20 reconstruct its existing rail line to improve  
21 its service to its existing shippers and  
22 improve its safety and continue efficient

1 rail operation.

2           The second purpose would be that by  
3 providing additional rail access to the  
4 Powder River Basin, it would increase  
5 competition for that transportation in the  
6 Basin. The alternatives that were evaluated  
7 in the Draft Environmental Impact Statement  
8 for that purpose and need were one,  
9 Alternative A, which was the no action  
10 alternative; Alternative B, which involved  
11 new rail line construction generally  
12 following the Cheyenne River corridor in both  
13 South Dakota and Wyoming; and Alternative C,  
14 which would be a modification of Alternative  
15 D, avoiding several sensitive areas along the  
16 Cheyenne River.

17           The final alternative, Alternative  
18 D, would involve reconstruction of existing  
19 DM&E rail line much more so than the other  
20 alternatives, and it would also involve new  
21 construction along and parallel to existing  
22 rail corridors already in the region.

1                   Just to go through and just quickly  
2 highlight some of the things for the  
3 different states that would be involved. In  
4 Wyoming, the project would involve new rail  
5 line construction to access the coal mines.  
6 It would involve construction of one new rail  
7 yard. There were alternatives evaluated to  
8 access the Black Thunder Mine and the North  
9 Antelope Mine. And of the unique  
10 characteristics and concerns identified, of  
11 which there were many. The two I'll  
12 highlight tonight were the impacts that would  
13 occur to the Thunder Basin National  
14 Grassland, and also, to the numerous ranches  
15 and ranchers along the project.

16                   In South Dakota, the project would  
17 again involve new rail line construction to  
18 facilitate access to the coal mines. It  
19 would involve the construction of two new  
20 rail yards. It would involve reconstruction  
21 of the existing rail line across South  
22 Dakota. And there were new construction

1 alternatives evaluated in the Spring Creek  
2 area, the Hay Canyon area, and around the  
3 community of Brookings.

4           Some of the unique characteristics  
5 and concerns that were identified in South  
6 Dakota, again, this is an abbreviated list,  
7 included impacts to the Buffalo Gap National  
8 Grassland; various tribal concerns; farms and  
9 ranches along the area, both along the new  
10 construction portion and the reconstruction  
11 part of the project; sensitive riparian areas  
12 along particularly the Cheyenne River;  
13 impacts to Angostura Irrigation District;  
14 impacts to the numerous communities along  
15 both the existing rail line and in the new  
16 construction area; and finally, the impacts  
17 it would be associated with either  
18 rehabilitation or new construction of a  
19 bridge over the Missouri River here in  
20 Pierre.

21           In Minnesota, the project would  
22 involve reconstruction of DM&E's existing

1 rail line across the state. There were three  
2 new rail yards proposed for construction.  
3 New construction was also proposed in the  
4 communities of Mankato, Owatonna, and  
5 Rochester. Some of the unique  
6 characteristics identified for these projects  
7 in Minnesota included the various communities  
8 that the new rail line construction would  
9 affect, as well as those communities along  
10 the reconstructed rail line. Farmers and  
11 farms located along the rail line that,  
12 again, would be impacted by both  
13 reconstruction, as well as the new  
14 construction components. The Mayo Clinic  
15 presented some unique characteristics.  
16 Sensitive riparian areas and wetlands found,  
17 again, throughout the project area. And  
18 finally, flood control projects located in  
19 the communities of Mankato and Rochester.

20 In conducting the analysis on the  
21 various environmental resources in the area,  
22 it was determined that the project would have

1 significant impacts to a variety of  
2 resources. Not all of the project components  
3 would have a significant impact on all of  
4 these, but these resources would be  
5 significantly impacted by one or more of the  
6 project's components.

7           The resources that would be  
8 significantly impacted or determined  
9 potentially significantly impacted included  
10 safety, particularly safety related to rail  
11 grade; highway grade crossings; geology and  
12 soils; water resources; wetlands;  
13 paleontological resources; cultural  
14 resources, including both archeological and  
15 historic; threatened and endangered species;  
16 land use; noise; air quality; environmental  
17 justice; aesthetics; socioeconomics; and  
18 cumulative impacts associated with both this  
19 project and other projects proposed or  
20 expected to occur throughout the area.

21           Lastly, the DEIS contained various  
22 mitigation measures that were proposed that,

1    should this project be approved and  
2    implemented, these measures were determined  
3    potentially able to reduce or minimize the  
4    potential impacts that would result. Because  
5    of numerous alternatives that were proposed,  
6    at this point, the mitigation measures  
7    generally centered on what would be  
8    considered best management practices, things  
9    like implementation or use of silt fences and  
10   hay bales to control erosion, receding, those  
11   kinds of things that were general in nature  
12   and could apply to any of the alternatives  
13   that were selected.

14               In addition to that, there were  
15   numerous mitigation measures that would  
16   involve coordination between DM&E and various  
17   federal, state, and local agencies. That  
18   coordination would be necessary to ensure  
19   that the issues of various agencies were  
20   addressed and that suitable and acceptable  
21   mitigation measures were developed for the  
22   impacts of concern to those different

1 agencies and communities.

2           It was also recognized, however,  
3 that a number of the environmental impacts of  
4 the project would or could be very difficult  
5 to mitigate effectively. Because of that,  
6 part of the comment process on the DEIS  
7 involves all interested parties commenting on  
8 the effectiveness of the mitigation measures  
9 proposed in the document; and also  
10 commenting, if there are other measures, that  
11 it would be felt more appropriate or could be  
12 more effective at minimizing impacts.

13           Lastly, there were several  
14 mitigation measures that involved the use or  
15 discussed the use of what would be considered  
16 negotiated agreements, and those would be  
17 agreements between the railroad and  
18 interested parties. Those agreements would  
19 be designed to address the impacts of the  
20 interested party, things that the railroad  
21 would agree to do that would address the  
22 concerns of those parties and minimize the

1 impacts that they are concerned about.

2 The DEIS laid out a mechanism by  
3 which those agreements need to be submitted  
4 to the STB so that they can be considered and  
5 imposed as part of any conditions that may be  
6 implemented should the project be approved.  
7 So with that, I'll turn it back over to  
8 Charles so we can proceed with your comments.  
9 Thank you very much.

10 MR. GARDINER: Okay. Just a couple  
11 of other quick logistical things about  
12 commenting. As we said earlier, there are  
13 several different ways to comment, oral  
14 comments tonight, written comments tonight on  
15 the comment sheet, or written comments by the  
16 January 5th deadline. And we welcome your  
17 comments in any of those

18 -- in any of those ways. And as  
19 Vicki described, the team will be reviewing  
20 all of those comments, preparing responses,  
21 and those comments and responses will be in  
22 the Final DEIS which goes before the Board as

1 they make their final decision.

2           The subject matter for the comments  
3 at the next -- we talked about the Draft  
4 Environmental Impact Statement and other  
5 components of that, the programmatic  
6 agreement. It talks about impacts of  
7 cultural resources, biological assessment.  
8 It talks about other issues that are all part  
9 of that whole document. Jerry talked about  
10 the Section 404 Permit application for the  
11 waterways impacts. Some comments on those  
12 applications. And then Wendy talked about  
13 the proposed forest plan amendments. So we  
14 welcome comments on those, as well. So those  
15 are the three elements that we're looking for  
16 comments on.

17           A couple of other procedural  
18 things. The order we're going to take  
19 comments is the federal and state elected  
20 officials that are here; the preregistered  
21 speakers; and then other speakers of people  
22 who have spoken at other meetings, if there's

1 time available we'll get to those. So the  
2 people who have signed up tonight, and then  
3 if there's time available. So that's the  
4 order we're going to take comments.

5           The ground rules, just for those of  
6 you who came in late. We have a time limit  
7 of three minutes. We're going to be timing  
8 you. I'll give you a 30-second warning when  
9 you're running out of time. Please provide  
10 your name and if you have an affiliation,  
11 because we are transcribing those and it  
12 helps the court reporter capture who's making  
13 the comments. Again, be concise. Please  
14 summarize. If you've got a long statement,  
15 give us the highlights and we'll take the  
16 rest in writing.

17           And with that, I think we'll get  
18 rolling. Speaker number one. Okay. Let me  
19 tell you who I've got in order here so you  
20 can get ready. The first person is Rick  
21 Vallery. Is he here? Okay. Great. Clyde  
22 Nutsch? Right there. Okay. You'll be

1 second. And then Roger Chase. Is Roger  
2 Chase here? Okay. Robert Blaford? Okay.  
3 Ron Klucus? Okay. Great. You'll be third.  
4 So that's our starting order. So, Mr.  
5 Vallery, do you want to come up? Either one  
6 of these microphones is fine.

7 MR. VALLERY: Good evening. My  
8 name is Rick Vallery. I'm the executive  
9 director of South Dakota Wheat, Incorporated,  
10 which is an agricultural producer  
11 organization that is located in Pierre, South  
12 Dakota.

13 The wheat industry is extremely  
14 interesting and unique. South Dakota is one  
15 of two states in the nation that has the  
16 ability to raise four separate classes of  
17 wheat. While Hard Red Winter wheat and Hard  
18 Red Spring wheat dominate the planet acreage  
19 in South Dakota, we also raise Durham and we  
20 also are beginning to see increased acres of  
21 Hard White Winter wheat. The South Dakota  
22 wheat industry produces an average of 107

1 million bushels, generating 250 to \$300  
2 million for farmers and ranchers annually.

3           South Dakota has a reputation for  
4 high quality wheat for the end-user such as  
5 the flour miller and the baker. Flour  
6 millers and bakers purchase wheat based on  
7 quality characteristics. These  
8 characteristics include protein, flour  
9 extraction, dough elasticity, and ash  
10 content. Each of these characteristics is  
11 dependent upon the environment to a certain  
12 degree. Protein, as an example, can  
13 fluctuate up or down depending on weather  
14 that is too hot, too cold, too wet, or too  
15 dry.

16           At the present time, the wheat  
17 industry is working to establish a website  
18 for end-users which will allow individual  
19 flour millers and bakers in the world to  
20 locate wheat that specifically will fit the  
21 needs of their own operation. This is part  
22 of the growing demand for a consumer for

1 additional breads and pastries.

2           Now, I bring this information  
3 forward for a couple of very important  
4 reasons. First of all, change is constantly  
5 part of our life, and life is going to  
6 constantly change. The wheat industry has  
7 recognized that change and we have begun to  
8 address that. The wheat industry in South  
9 Dakota ships about 80 to 90 percent of its  
10 productions out of state annually. The vast  
11 majority of that is handled by rail. The  
12 wheat industry absolutely --

13           MR. GARDINER: About 30 seconds.

14           MR. VALLERY: -- needs a safe,  
15 reliable, and efficient transportation  
16 system. Secondly, the proposed expansion  
17 allows for a new exciting market opportunity  
18 in South Dakota that we currently do not  
19 have. Presently, very little wheat from  
20 South Dakota reaches the West Coast. This  
21 proposed expansion will allow South Dakota  
22 wheat producers to consider West Coast

1 markets, as well as overseas markets. With  
2 the state of California being number two in  
3 flour production, this is exciting.

4 In closing, South Dakota Wheat  
5 strongly encourages and supports the proposed  
6 expansion project and looks forward to its  
7 establishment and being a part of its  
8 success. Thank you.

9 MR. GARDINER: Thank you. Okay.  
10 Claude Nutsch.

11 MR. NUTSCH: My name is Clyde  
12 Nutsch. I've been here about 37 years now.  
13 As I've seen the problems here with the  
14 traffic coming through town from the  
15 railroad, I would say bring that across from  
16 Fort Pierre right over the top of the river  
17 and right coming up the bypass over here and  
18 putting the railroad right alongside it and  
19 build a bridge across. So build twin bridges  
20 and it can be on its way going east and  
21 traffic will be going north.

22 And that's about all I have to say.

1 But I don't think the city here -- Sioux  
2 Avenue is wide enough for a four lane traffic  
3 without the railroad. You think you're  
4 having problems over there on the corner,  
5 that's all you have to do somehow or another.  
6 If it hadn't been for Einstein, he says  
7 everything is relative. So one thing may be  
8 the perfect plan for today, but tomorrow may  
9 change. So thank you for your time.

10 MR. GARDINER: Thank you. I'll  
11 check again. Is Roger Chase here? Or Robert  
12 Blaford? Okay. Ron Klucus? Okay. And then  
13 Tom Mctough? Okay. Dale Gilyerd? Okay.

14 MR. KLUCUS: Good evening. My name  
15 is Ron Klucus. I've been an employee of the  
16 DM&E for fifteen years from its beginning. I  
17 can tell you that DM&E is an aging railroad,  
18 a railroad which needs this upgrade to remain  
19 a viable transport system. The project now  
20 being considered will allow this. The  
21 project will not only allow for a more  
22 competitive railroad, it will also produce a

1 safer railroad for which us to work on  
2 ourselves as employees.

3           The project also will make the  
4 community safer. We're going to have  
5 hopefully lighted and gated crossings. We'll  
6 be putting in new rail to help prevent  
7 derailments, better bridges. Lighted overall  
8 tracks to prevent tragedies, such as what  
9 occurred in Brookings this year. For these  
10 reasons, this project should be done. It's  
11 not only good for the railroad, but it's also  
12 going to be beneficial to our local  
13 economies.

14           It's going to create new jobs, new  
15 better paying jobs. Better rail service for  
16 wheat growers, whoever is going to be  
17 shipping. Less wear and tear on our tax  
18 funds and highways. And perhaps even for the  
19 first time in 50 years there may be passenger  
20 service return to this area, which would be  
21 unique. It's also good for the state for the  
22 very same reasons. It's good for the local

1 economy, as it would be good for the state.

2           On a national scale, it's going to  
3 produce -- it will be providing low sulphur  
4 content coal at competitive prices, which, of  
5 course, reduces your sulphur dioxide  
6 emissions; and that, again, deals with acid  
7 rain, which concerns us all.

8           As I stated earlier, I am an  
9 employee of the DM&E. I have dealt with the  
10 company. And I am a member of the employee  
11 committee, and I can assure you that the  
12 company is a responsive -- or is an attentive  
13 and a responsive company. And I'm sure that  
14 it will, given an opportunity, work with  
15 local communities to make this a safer and  
16 better railroad for everyone concerned.  
17 Thank you.

18           MR. GARDINER: Okay. Rick  
19 Jorgensen? Karl Fischer? Is Karl Fischer  
20 here? Okay. Allen Aden? These are people  
21 who just signed in tonight. Patty Stoser?  
22 Father Dale Kutil? Bill Fischer? John

1 Moisan? Bonnie Fischer? Madonna Thunder  
2 Hawk? Okay. I think you're next. Okay. Go  
3 ahead.

4 MR. JORGENSEN: My name is Rick  
5 Jorgensen. I'm the CEO of the Pierre Area  
6 Chamber of Commerce and the Pierre Economic  
7 Development Corporation. First of all, I  
8 want to thank you representatives from the  
9 Surface Transportation Board for coming up  
10 here and hearing us and listening to our  
11 comments. We really appreciate that.

12 The next thing I want to make  
13 perfectly clear is that we, the Chamber of  
14 Commerce, and Pierre Economic Development  
15 Corporation are in favor of the DM&E  
16 expansion project with one exception, and  
17 that's with the bypass around Pierre. That  
18 does not surprise you after everything you  
19 heard this afternoon. But that is one thing  
20 that we are really in favor of, is the  
21 expansion with the bypass.

22 A lot of the people weren't here

1    this afternoon. I'm not going to go through  
2    everything in detail. I'm going to just hit  
3    the highlights of a lot of the stuff that you  
4    heard this afternoon. But I think for the  
5    benefit of the audience, we should do that.

6               First of all, the Chamber of  
7    Commerce works extremely hard to expand the  
8    hospitality programs here in Pierre and Fort  
9    Pierre. We do a lot of work to encourage  
10   tourists and conventions into Pierre. And as  
11   was mentioned this afternoon, virtually all  
12   of our newer motels and establishments are  
13   located along the rail, which was -- all  
14   these have been built since the time that  
15   Chicago NorthWestern has sold all of their  
16   right of way. So that, in itself, implied  
17   that the rail projects were probably at an  
18   all time low at that time, and no one ever  
19   thought that we would be looking at an  
20   expansion project like we are.

21              For those trains to come through  
22   Pierre, as we heard just a few minutes ago,

1 they're going to be coming through Pierre,  
2 and we've been told this by some  
3 representatives from DM&E, at about 15 to 17  
4 miles per hour. The trains will be anywhere  
5 were 7 to 8,000 feet long, and you figure  
6 about a mile and a third. With that in mind,  
7 it will virtually block every intersection in  
8 Fort Pierre as it's going through Fort  
9 Pierre.

10 And as it comes into Pierre, it  
11 will block every intersection in Pierre, with  
12 the exception of the one overpass that we  
13 have right here by the Kings Inn. The other  
14 exception would be out east of town at the  
15 Career Indian Learning Center. I think that  
16 the train would not include that at one  
17 crossing.

18 MR. GARDINER: 30 seconds.

19 MR. JORGENSEN: So with that in  
20 mind, I would like to just keep in mind that  
21 we visited about safety issues, traffic,  
22 noise, cleanliness, emergency response

1 vehicles, and things of that nature. Keep in  
2 mind that we are considering the ag community  
3 in our proposal and that we're working with  
4 people from the elevators, and the concerns  
5 are whether or not the long-term hauling of  
6 ag products would actually be in effect.  
7 With that, I urge you to support our idea  
8 with the bypass, and I want to thank you  
9 again very much.

10 MR. GARDINER: Okay. Stuart  
11 Sarkozy-Banoczy, you're up next. And then  
12 Charmaine White Face.

13 MS. THUNDER HAWK: My name is  
14 Madonna Thunder Hawk, and I live northwest of  
15 here on the Cheyenne River Reservation, about  
16 an hour and a half north of here right on the  
17 Missouri. I come from a large extended  
18 family who lost hundreds of acres of  
19 ancestral land to the Oyati. So we're really  
20 familiar with expansion programs, large  
21 projects. We know all about sacrificing for  
22 the national interest in these modern days.

1           I just came down here. I speak for  
2 myself and my family. I saw this article by  
3 Charmaine White Face. I read it, and that's  
4 why I'm here. "The STB has directed an  
5 engineering firm, Burns and McDonnell, to  
6 coordinate and consult with interested  
7 Indians in the areas of the project to the  
8 extent necessary to adequately address Indian  
9 concerns in the EIS. Steven G. Thornhill,  
10 project manager from Burns and McDonnell  
11 wrote, in a letter to Kim Clausen-Jensen,  
12 director of the Oglala Sioux Tribe's  
13 Environmental Protection Agency, regarding  
14 the STB's Indian policy, saying that while  
15 they attempt to comply with executive orders,  
16 as an independent agency, they are not  
17 legally bound to do so."

18           So this is the attitude we have to  
19 deal with constantly on whatever issue  
20 dealing with any federal agencies? But I'm  
21 just here to comment that as a grandmother on  
22 my reservation, I will be carrying petitions.

1 This proposed railroad will cross treaty  
2 land. And incidentally, for those of you who  
3 don't know, our treaties were ratified by  
4 Congress, which makes them the law of the  
5 land. Thank you.

6 MR. SARKOZY-BANOCZY: Good evening.  
7 My name is Stuart Sarkozy-Banoczy. I'm also  
8 from the Cheyenne River Reservation and a  
9 resident of Ridgeview, a small community on  
10 the reservation. And I have a lot I would  
11 like to say to the Surface Transportation  
12 Board, and so I've just prepared a short  
13 statement. And I will try to be involved in  
14 other hearings or send in other materials  
15 when I can. But I'll just read this so I can  
16 keep it as short and sweet as possible.

17 My name is Stewart Sarkozy-Banoczy.  
18 I'm a resident of Ridgeview, South Dakota, on  
19 the Cheyenne River Indian Reservation. And I  
20 believe that the DM&E expansion is unlawful,  
21 unnecessary, and rife with great political  
22 and social damage, not to mention the

1 environmental. The DEIS has not been  
2 prepared in the best interests of those  
3 people or places to be affected economically,  
4 environmentally, socially, or culturally.  
5 And I do believe that the project should be  
6 stopped.

7 I am asking the Surface  
8 Transportation Board to consider a no  
9 build/no action option as the most viable.  
10 If that does not become immediately feasible,  
11 I am officially submitting tonight the  
12 following initial comments to be put on  
13 record concerning the DEIS. Then I can be  
14 contacted at a later date. And I have copies  
15 of this if anyone else is interested.

16 First and foremost, I think the  
17 DEIS sounds like a very large letter of  
18 support from STB for the proposed expansion.  
19 And I don't really understand this, because I  
20 thought that the STB was acting on behalf of  
21 the people of South Dakota and the United  
22 States, and I don't think that's their role

1 for the taxpayers.

2 Secondly, the expansion, to me, is  
3 a corporate interest and not a public one. I  
4 don't think the people of Pierre said, "Let's  
5 build a railroad." I don't think the  
6 ranchers enroute said, "Let's build a  
7 railroad. Let's go mine coal." I don't  
8 think that that's what's happening here. And  
9 I don't think that they've been asked or  
10 shown what the real cost will be compared to  
11 the benefits, the overall benefits to every  
12 individual.

13 There seems to be no discussion of  
14 the long-term effects of the creation of the  
15 source of power that pollutes where it is  
16 mined, where it is transported, and where it  
17 is burned. There is no analysis of  
18 alternative forms of energy, especially for  
19 this area, which would naturally completely  
20 negate any reason for building the rail line  
21 in the first place.

22 MR. GARDINER: 30 seconds.

1                   MR. SARKOZY-BANOCZY: I don't see  
2 wind, solar, biomass or other forms of energy  
3 that are appropriate for this area. Social,  
4 environmental, and economic justice issues  
5 are not addressed. And I'm interested to  
6 know where the archeological, agricultural,  
7 soil, watershed, engineering, and most  
8 especially the cultural studies?

9                   And I want to conclude with the  
10 fact that I don't think that the Lakota  
11 people themselves, because this runs through  
12 tribal or treaty land, have been involved in  
13 the creation of the plan. And as Madonna  
14 said, you heard the kind of reaction that  
15 they give. And so I believe that not only by  
16 treaty, but by doctrine since then, the  
17 governments have a right to be involved in  
18 this process. Thank you.

19                  MR. GARDINER: And then Helen  
20 Wegner. Is Helen Wegner here? Okay. You're  
21 up next. And then Jim Ackerman, you're on  
22 deck. Go ahead.

1 MS. WHITE FACE: My name is  
2 Charmaine White Face. I am a member of the  
3 Oglala Lakota band, which is a part of the  
4 Titonwan, which is a part of the greater  
5 Oceti Sakowin. We once comprised 14 states  
6 and three Canadian provinces. Our treaty of  
7 1868 put us only covering half of South  
8 Dakota, the western part. But I already gave  
9 you that speech in Rapid City.

10 I'm also a writer, a researcher, an  
11 educator, and a biologist. I'm a  
12 grandmother. I have 16 grandchildren. This  
13 is what I'm going to bring up to you, because  
14 I think everybody should be aware of this.  
15 This is in the Draft Environmental Impact  
16 Statement. There's a little village and it's  
17 called Red Shirt. And it lies within the  
18 valley of the Cheyenne River. It's a  
19 historic village. We have had our people,  
20 our ancestors living there thousands and  
21 thousands of years. There's about 300 people  
22 living there. There's a school, and that's

1     it. There's not even a post office. Across  
2     the river is where the railroad plans on  
3     building new line.

4                     And this is quoted in the  
5     Environmental Impact Statement. "The  
6     applicant," meaning the DM&E, "shall consult  
7     and coordinate with the Lakota Sioux Tribe to  
8     develop a hazardous material emergency  
9     response plan to account for the special  
10    needs of Native American persons on the Pine  
11    Ridge Reservation of South Dakota,  
12    particularly those inhabiting Red Shirt,  
13    which is located less than one mile from the  
14    new rail lane construction under Alternative  
15    B."

16                    Now, I know they've chosen  
17    Alternative C. "This plan shall include  
18    applicant-sponsored training and hazardous  
19    material response for appropriate child  
20    personnel." I don't understand this. What  
21    is this hazardous material plan? Why do the  
22    people of little teeny tiny Red Shirt village

1    have to have a hazardous material emergency  
2    response plan?  What specific hazardous  
3    materials are going to be hauled?  I want to  
4    know.  I have relatives who live all over  
5    there.

6                   From where is this hazardous  
7    material going to come?  There is no  
8    hazardous material on the Pine Ridge  
9    Reservation.  Red Shirt village is located on  
10   the Pine Ridge Reservation right over the  
11   border.  It's only 25 miles from Rapid City.  
12   Are other towns and cities along the line  
13   also developing hazardous material emergency  
14   response plans?

15                   MR. GARDINER:  30 seconds.

16                   MS. WHITE FACE:  If this train that  
17   just came here that interrupted Ms. Rutson's  
18   speech was carrying hazardous materials  
19   today, and it tipped over right out here, how  
20   many of us in this room would be safe?  What  
21   kind of hazardous materials?  Toxic waste?  
22   Radioactive waste?  Where are these coming

1 from? Why Red Shirt village? Why is Red  
2 Shirt village being targeted?

3 Or is it because Pine Ridge  
4 Reservation has the biggest population of  
5 Zeolites? Or is because the EPA just gave  
6 them \$3, \$4 million to develop a landfill  
7 just about ten miles from Red Shirt village?  
8 What's going to be hauled in this hazardous  
9 waste material? How come Pierre is not  
10 asking this? Brookings? Winona, Minnesota?  
11 Rochester? Why Red Shirt village for a  
12 hazardous material response? Thank you.

13 MR. GARDINER: Thank you. And then  
14 Jim Ackerman and Larry Keeler. Okay.

15 MS. WEGNER: Hi. First of all,  
16 thank you very much for coming. We so  
17 appreciate it. And maybe you found that  
18 sometimes you can't get here from there. We  
19 are working hard on developing Pierre, South  
20 Dakota and Fort Pierre, South Dakota. 20  
21 years ago, had you been here, we were a very  
22 sleepy community with our sister city, Fort

1 Pierre. We have worked hard to grow our  
2 community cleanly and primarily through  
3 tourism. And we do have some light industry  
4 here.

5 We -- young people have moved here.  
6 They love to live here because of its  
7 peacefulness, its tranquility. We have, of  
8 course, the capital of South Dakota. And we  
9 do have a rail line that goes right through  
10 the middle of town. And I'm asking you,  
11 please, while you're here, walk the railroad,  
12 drive where the railroad is, and you can see  
13 how it cuts across our community and how  
14 severely it will impact.

15 And then the eloquent speech we  
16 just heard about hazardous waste. My  
17 goodness. Will that be coming through  
18 Pierre, South Dakota? Please, I am  
19 supporting the DM&E if, and only if, it  
20 bypasses our two communities. Thank you.

21 MR. GARDINER: Mr. Ackerman, Mr.  
22 Keeler, and then Chuck Fergen. Okay.

1                   MR. ACKERMAN: Thank you. My name  
2   is Jim Ackerman. I'm a resident of Pierre.  
3   Mostly what I have are questions. I don't  
4   know a lot. I want the questions answered,  
5   and I expect you folks to answer them for me.  
6   I don't know whether I support the project at  
7   all, but I'm trying to keep an open mind just  
8   to see if it should be supported. I want to  
9   know that grain can always be shipped. As a  
10  gentleman mentioned earlier, what are the  
11  assurances that grain can always be shipped?  
12  Are you empowered to give us assurances that  
13  grain can always be shipped? Who makes that  
14  decision?

15                  I want to know whether or not grain  
16  hauling can be limited or terminated at such  
17  a point at which coal becomes more profitable  
18  to haul than grain? If the coal trains  
19  become plentiful enough, will there even be  
20  time and space for the grain trains to enter?  
21  I wonder how quickly a grain train can come  
22  to speed and fit safely between coal trains?

1 If a double track is wanted in the future,  
2 where will it be placed? If businesses must  
3 be demolished to accommodate two tracks, can  
4 the DM&E expand to that extent? Who says  
5 yes? Who says no? Who has the power to  
6 decide?

7 If 70 trains at 40 miles per hour  
8 run, I wonder about the safety of traffic  
9 being blocked for about three hours every day  
10 when a train comes through. Approximately --  
11 a train comes through approximately every 18  
12 minutes and blocks a crossing for over two  
13 minutes. These are some of my questions. I  
14 will try to clarify them further for you in  
15 writing, and I will expect answers. Thank  
16 you.

17 MR. GARDINER: Thank you. Okay.  
18 Mr. Keeler, Mr. Linderman, and then Chuck  
19 Fergen. Is Chuck Fergen here?

20 MR. KEELER: Good evening. My name  
21 is Larry Keeler. I'm an employee of the DM&E  
22 Railroad. I'm a locomotive engineer. I

1 drive the tracks. As a matter of fact, the  
2 train that went through here, I should have  
3 been on it tonight. I took off to be here.  
4 Normally that would be me making all that  
5 noise out there. My comments tonight are  
6 primarily on safety from where I sit driving  
7 the locomotive.

8           The old railroad is just about worn  
9 out. There's a lot of railroad out -- a lot  
10 of rail out here that was laid in 1907 when  
11 the railroad was originally built. This rail  
12 breaks all too often and causes derailments,  
13 which we all now about. Everybody around  
14 here knows how often the DM&E is on the  
15 ground. Building this new railroad or  
16 rebuilding it would eliminate this type of  
17 derailments.

18           From a personal standpoint, I get  
19 really concerned every time I come up on an  
20 old bridge to whether or not that old rail is  
21 going to break right in front of me and send  
22 me off the bridge with the rest of the train

1 behind me. Or, whether that old bridge is  
2 going to collapse when I run out on it with,  
3 you know, the same results. I got lucky and  
4 survived one bridge collapsing underneath; I  
5 don't want another one. So please hurry this  
6 along. We're hurting.

7 Part of the rebuild is the  
8 installation of signaling systems. I would  
9 say that had we had signaling in Brookings a  
10 few months ago, one of our conductors would  
11 still be alive; one of our engineers would  
12 not be in this physical state that he is  
13 today. As far as public safety is concerned,  
14 the grade crossing safety will be enhanced as  
15 a result of the installation of many gates  
16 and signal light systems at intersections  
17 that do not happen today.

18 I'm more or less addressing a  
19 situation where there will not be a bypass,  
20 which I do not support one way or the other.  
21 I believe cities and municipalities can  
22 request whistle-free crossings to be

1 installed, and therefore, cut down on the  
2 noise pollution of these trains going  
3 through. In order for an automobile train  
4 collision to occur on this kind of a  
5 crossing, the automobile driver would have to  
6 break or crash through the gates to get on to  
7 the track in front of the train. I find hard  
8 it to believe that this new signaling would  
9 not greatly improve crossing safety.

10           The other side of the coin, if the  
11 rebuild is not approved, highway safety is  
12 going to become and rise considerably when  
13 you consider that every train we put out here  
14 is equal to about 400 truckloads of freight  
15 on it. Those trucks are going to go right  
16 through your city. If the project is not  
17 approved, it is likely the DM&E will cease to  
18 exist in the near future, putting all traffic  
19 that we now haul on your highways, and the  
20 taxpayers will wind up with the bill to  
21 maintain the highways for this greatly  
22 increased amount of heavy traffic.

1           If this project is approved, the  
2   trains will go through your area in a shorter  
3   amount of time because they will move faster.  
4   Presumably they'll build a bridge down here  
5   that will allow us 40-mile an hour speeds  
6   through Pierre if that bridge is built.  
7   Emergency vehicles to access to the hospital;  
8   and also, fire trucks will have a maximum of  
9   about two minutes, two and a half minutes  
10   delay, where today we're ten minutes per  
11   train. I agree there will be more trains.  
12   Basically, that's about all I've got to say,  
13   and I thank you for hearing me out.

14           MR. GARDINER: Mr. Linderman and  
15   then Chuck Fergen. And then next is Dave  
16   Word. Dave Word, is he here somewhere?  
17   Okay.

18           MR. LINDERMAN: Hi. I'm Charles  
19   Linderman, Director of Supply Policy at the  
20   Edison Electric Institute in Washington. We  
21   represent the nation's electric generators.  
22   And because of the -- what we regard as the

1 inadequate discussion of benefits in the  
2 Draft EIS, I have retained a PA consulting  
3 company in a group associated with the  
4 financial times to analyze the sulphur  
5 dioxide reduction potential emission of this  
6 project.

7 And we will be submitting, on  
8 January 5th, a document that will show that  
9 the potential SO2 reductions associated with  
10 this project are 420,000 tons per year.  
11 420,000 tons per year of additional SO2  
12 reductions because of the potential of this  
13 railroad project to displace the sum 89  
14 million tons of non Powder River Basin coal  
15 that's used in the market region affected by  
16 this railroad. We also are going to be, in  
17 that filing, oppose extension of the EIS  
18 that's been asked for. We think that when  
19 the Board provided for the 90 days rather  
20 than the 45, that was sufficient, and we will  
21 oppose any requests for 180-day extension.

22 Tom Hitchcock, this afternoon,

1 identified another benefit, and it's one that  
2 effects everybody in this room. And that's  
3 the impact upon natural gas and natural gas  
4 prices. Because the more coal you have  
5 available competitively at competitive  
6 transportation prices means the less  
7 competitive natural gas is for electric  
8 generations. And that, in an era when the  
9 natural gas prices have peaked the highest  
10 point in history, that becomes important to  
11 every residential homeowner that the power  
12 generation community uses as much coal as  
13 possible and reduces the impact of natural  
14 gas pricing, raising individual home heating  
15 costs.

16 To those of you from this locality,  
17 I would like to make one legal observation  
18 about the Board's authority under the  
19 Interstate Commerce Termination Act that was  
20 passed about three or four years ago. That  
21 leaves the authority of the Board to do EISS  
22 on rail construction to new construction.

1 And there's a question about whether -- and  
2 we are providing a legal brief to the Board  
3 as to whether or not the Board has the  
4 authority to order bypasses in areas where  
5 there's only --

6 MR. GARDINER: Approximate 30  
7 seconds.

8 MR. LINDERMAN: -- reconstruction  
9 is being proposed rather than in the  
10 construction of new rail line. I lived in a  
11 city bifurcated by a dual track railroad.  
12 Our chemicals, our traffic close to our  
13 schools, the trains move at 60 miles an hour.  
14 It's a no-whistle zone and it's done safely  
15 without any interruption. And certainly the  
16 movement of grain and coal can be done easily  
17 and without interruption or concern to the  
18 community.

19 MR. GARDINER: Thank you. Okay.  
20 Mr. Fergen. And then Mr. Word, you're up  
21 next. And then John Simpson. Is John  
22 Simpson here somewhere? Okay. Good.

1                   MR. FERGEN: My name is Chuck  
2 Fergen and I'm a resident here of Pierre.  
3 And I mainly have just comments and questions  
4 to point out. One of the items that has been  
5 talked about is the three-minute delays that  
6 are proposed with the coal. And frequently,  
7 I see eastbound trains with crew track --  
8 with crew changes that take place that take  
9 up to seven minutes has happened last  
10 November 8th here at 727, 734. So that was  
11 quite a long time.

12                   Another item that I don't know if  
13 I've heard about is when the S curve and some  
14 of those streets, main arterial highways are  
15 blocked, a lot of the residential streets  
16 then become the go-about or short route  
17 switches for some of this traffic. And I  
18 just kind of wondered what happened with the  
19 residential area along the tracks, what would  
20 take place with all the main highway traffic?

21                   I read here on the Pierre web page  
22 that about nine percent of the total property

1 taxes paid in Pierre go from properties  
2 adjacent to the railroad. And I know that  
3 there's been great efforts made to have  
4 property taxes maintained and reduced. So I  
5 guess I'm wondering what might be answered  
6 here if that much property tax had some kind  
7 of a devaluation?

8           Lastly, I'm concerned about the  
9 train noise and the whistles. I can  
10 generally tell at just about whatever stop in  
11 Pierre that the train is at because I can  
12 hear it from my house near the S curve. And  
13 I'm also concerned about health issues, with  
14 not only the train diesel and the coal dust,  
15 but also the traffic that's waiting for the  
16 trains on the highways at the S curve. Thank  
17 you.

18           MR. GARDINER: Thank you. Okay.  
19 Mr. Word. And then John Simpson.

20           MR. WORD: My name is Dave Word.  
21 I'm a resident of Pierre here. One of my  
22 concerns is West River. Our population has

1    been dwindling here for quite a few years now  
2    and a lot of our small towns have basically  
3    shut their doors. And consequently, the  
4    distance between volunteer fire fighting  
5    units has grown quite a bit.

6                    And I grew up next to a railroad  
7    and we always had train fires. And I'm just  
8    wondering if this -- if the train -- if  
9    they're starting fires, some of these  
10   distances is 30 miles to the nearest town  
11   where this line is proposed. We're talking  
12   as kindling dry as it was this fall, we could  
13   easily have 30,000 acres burn pretty quick.  
14   It's going to affect the ecosystem for years.

15                   Who's going to stand that cost? I  
16   mean, it's going to put a lot of runoff, a  
17   lot of soil erosion into our waterways and  
18   help or perpetuate the silting in of the  
19   waterways and stuff like that. And those are  
20   concerns that I have. And I think a lot of  
21   the ranchers in West River want to know, are  
22   they willing to provide any help in fire

1     fighting?

2                     And the other thing, on the  
3     railroad crossings, they talked about putting  
4     them in. But I would like to see them put  
5     them in before they run that first train.  
6     Because people aren't going to be used to the  
7     trains coming, and that's where they're  
8     having the most injuries and deaths. And I  
9     don't think that -- I know how corporations  
10    work. They like to run for a couple years  
11    and string it out and put their crossings in  
12    later because it costs a lot of money. And I  
13    don't think the lives of South Dakotans are  
14    worth waiting. Thank you.

15                    MR. GARDINER: John Simpson. Then  
16    we have Jean Morns. We have next, Homer  
17    Harding.

18                    MR. SIMPSON: Thank you. Good  
19    evening. My name is John Simpson. I'm a  
20    Pierre resident. I've lived here since 1973.  
21    My home is close enough to the railroad  
22    tracks where every train that goes by today

1 shakes it a little bit. And it was built in  
2 the early 1900's of a field stone foundation.  
3 And we have repaired the foundation on the  
4 home one time, probably just from age. But  
5 there's no way to really prove that.

6 I have quickly reviewed the  
7 Executive Summary of the Draft EIS, and a  
8 page or two from the DEIS itself. And I  
9 would like to add a couple of comments for  
10 your consideration. I appreciate the  
11 opportunity to speak tonight, and I hope  
12 you'll listen to everybody's words very, very  
13 carefully. This is a draft. It's not a  
14 final form. And hopefully, based on my  
15 comments and the ones you've heard today, the  
16 final draft will significantly change and you  
17 can support a bypass around our community.

18 One thing I looked at in the  
19 Environmental Statement itself, in Chapter 2,  
20 the term "extensive cuts and fills" were used  
21 as a reason not to support the proposed  
22 bypass around Pierre. I would submit to you

1 that when the original railroad was built,  
2 extensive cuts and fills were part of the  
3 plan. I think they're part of any rail track  
4 construction plan.

5 Another term that was used talked  
6 about a new bridge a mile to a mile and a  
7 half long downstream on the Missouri River.  
8 It's possible that the new bridge could  
9 present some problems, but I don't think  
10 they're insurmountable. I think with the  
11 quality engineering that's available today, a  
12 new bridge would be a feasible option.

13 It mentioned the navigational  
14 hazard as a potential detriment to that new  
15 bridge down the river. In the Executive  
16 Summary on page 65, it also mentions the DM&E  
17 itself is considering a new bridge 30 feet  
18 upstream from the present bridge. Ten yards?  
19 That's like a good football play on Monday  
20 night football. If you're going to build a  
21 new bridge ten yards from the existing  
22 bridge, I think one downstream is just as

1     feasible.

2                   As regards to the potential  
3     navigational hazard. My wife and I own two  
4     boats. We're kind of like river rats here in  
5     Pierre. I'll guarantee you the only traffic  
6     in that part of the Missouri River is going  
7     to be local fisherman and a few duck hunters.  
8     And the fisherman and the pontoon boaters in  
9     this part of the world can easily maneuver  
10    around pilings on a new railroad bridge. It  
11    will not prevent a navigational hazard.

12                  MR. GARDINER: 30 seconds.

13                  MR. SIMPSON: It mentioned the  
14    potential significant environmental  
15    engineering constraints. Again, I think  
16    that's easily surmountable. According to  
17    South Dakota DOT, the S curve, which you  
18    probably heard about, is the busiest highway  
19    rail intersection in the state that crosses  
20    the state highway. I would like you to  
21    consider that.

22                  And finally, personally, for me,

1 the Pierre bypass is the deal breaker. If  
2 the DM&E cannot be a good neighbor and a  
3 responsible corporate citizen and consider  
4 the wishes of the state's capital and a vast  
5 majority of its residents and bypass the  
6 city, I think it's a deal breaker and I would  
7 not be able to support the project. With a  
8 bypass around the city of Pierre, as a  
9 personal resident, I think it would be the  
10 feasible option to consider. Thank you.

11 MR. GARDINER: Okay. Ms. Morns.  
12 And then Homer Harding. Then Stan  
13 Schwellenpach.

14 MS. MORNS: Good evening, and thank  
15 you for taking your time to come visit with  
16 us. I'm just going to kind of reiterate what  
17 everyone said. I'm a resident of Pierre, but  
18 I'm also the head co-board, which is the  
19 Pierre Economic Development Corporation. I  
20 have served on that board for quite a few  
21 years. And as a resident of Pierre and as a  
22 grandmother, and a mother of five children,

1 it would be very difficult for me to  
2 encourage my children to come back and raise  
3 their families here when we have a train  
4 going through town every 37 minutes.

5 And it's my understanding that the  
6 present bridge is on the historical register  
7 and that they have not even contacted that  
8 office to see what alternatives can be done.  
9 And so I have that as a question. And then  
10 also, it's my understanding, you know, as you  
11 already know, we only have one overpass. If  
12 another overpass was built, the most  
13 practical would be the S curve. And if that  
14 was done, it would take out UBC Miracle Mile  
15 and Checkers. And this is what, you know,  
16 was told to me by an engineer.

17 I just -- you know, our football  
18 field -- we have football games here, and  
19 during a period of a football game, we have  
20 three trains going by. I know we're a small  
21 capital, I know we're a small state, but  
22 tourism is vital for us. And all of our

1 motels are along here. And I guess I just  
2 have a question. You know, 20 years ago when  
3 the railroad decided to sell all that land,  
4 we all made the assumption and developed  
5 along it. So I guess, you know, you need to  
6 consider our town and what it would do to us.

7           And we know that the trains are  
8 only going to be able to go through town at  
9 15, 18 miles an hour because of the curves,  
10 which means our crossways -- or, you know,  
11 crossways on the road, you know, you're  
12 looking at least a five minute blockage, at  
13 least; and I would guess probably more. I  
14 would reiterate, again, about what it would  
15 do to the taxes. A lot of our businesses are  
16 on the track and that would depreciate their  
17 value, which would also depreciate our tax  
18 revenue in the city.

19           And, you know, Pierre is a unique  
20 town. We love it here. But we do struggle  
21 to bring companies in here because we are  
22 kind of in the middle of the state, and so we

1 have to depend on other sources. To bring  
2 that train through our town would be  
3 devastating, in my mind. And there again,  
4 like everyone else in the community has said,  
5 we support the bypass. We support DM&E. We  
6 have no problem with that.

7 MR. GARDINER: 30 seconds.

8 MS. MORNS: And I just, again,  
9 thank you very much for coming to listen to  
10 us.

11 MR. GARDINER: Thank you. Homer  
12 Harding. And then Stan Schwellenpach. Is  
13 Stan here? And then Jim Keyes. Is Jim Keyes  
14 here?

15 MR. HARDING: I'm Homer Harding, a  
16 local resident here in Pierre. Years ago, a  
17 number of years ago, about 20, when I served  
18 in the state senate, Senator Pressler and I  
19 led the battle to save the railroads for  
20 South Dakota and our good farmer friends  
21 because they need the grain transportation to  
22 sell their grain, and the bentonite in the

1 hills for local purposes. And we worked very  
2 hard to save this railroad. We never in our  
3 wildest dreams dreamt that we would ever see  
4 the time that trains coming from Wyoming  
5 would go here to service the people in the  
6 east.

7 I would like to share our wealth  
8 out here with our clean air and our standard  
9 of living that are very important to us. We  
10 survived out here, and that's why the people  
11 come here. I don't know the background of  
12 the Transportation Board. I don't know if  
13 they're from large cities, small cities, or  
14 just what it means to a community, such as  
15 ours, to have a life-style we have here.  
16 We're very zealous of it and very proud of  
17 it.

18 To run that many trains through the  
19 heart of town, even though it will serve  
20 South Dakota's economic needs, it's just  
21 unprohibited. We cannot tolerate that. A  
22 bypass plan, as mentioned earlier by Mr.

1 Simpson and Helen Wegner, as she so  
2 eloquently put it, are excellent plans with a  
3 bypass we could support. But to put it right  
4 through the very heart of our community? Ask  
5 yourselves if you were faced with this  
6 situation, if that would be tolerable to you.  
7 I certainly wouldn't.

8           And I would ask you to give serious  
9 consideration to the arguments that are made  
10 here. The safety arguments from the  
11 gentleman from the DM&E are just profoundly  
12 greater, even though the track might be  
13 better, to have that number of trains, the  
14 safety problem would be intensified going  
15 through a small community such as this.

16           The gentleman that talked about the  
17 savings we were going to realize here, the  
18 gas savings. That might sell them in  
19 Washington with the politicians, but it won't  
20 sell to the thinking people out here. We're  
21 not going to see lower gas prices because the  
22 Wyoming coal comes through here for

1     electrical companies to generate.

2                 Look at the good of the  
3     communities. Look at the people. We don't  
4     represent a lot of folks, but we do represent  
5     an important life-style in this country. And  
6     I urge you to heed the arguments that you've  
7     heard tonight, and would ask you to recognize  
8     that the bypass is acceptable. Thank you.

9                 MR. SCHWELLENPACH: Hello. My name  
10    is Stan Schwellenpach. I'm a Pierre city  
11    commissioner. What we are looking at here is  
12    -- what I have to look at in the future is  
13    through a lot of hard work and a lot of  
14    public money and private money went to make  
15    this city as what it is now. And the impact  
16    that this railroad could have on our city for  
17    years to come, it's very troubling to me.  
18    Because I'm the one amongst the other  
19    commissioners who have to figure out in years  
20    in the future how are we going to pay for our  
21    projects such as schools and infrastructure?

22                 And I believe that this railroad,

1 if it goes through, will have a terrible  
2 effect on our community, economically  
3 especially, because we need so much of this  
4 tax money that we get off of our tourism and  
5 off of our property tax base to run our  
6 community, our schools. And if you take all  
7 of this property that this is going to effect  
8 down by the railroad, it's going to make  
9 everybody else have to pay for it, but the  
10 ones who are still left here to pay. And  
11 that's my biggest concern, because that's  
12 what's going to affect us, the people 20, 30,  
13 40, 50 years from now.

14 And you could look at all this  
15 property that's along the railroad tracks and  
16 all the motels that the city depends on our  
17 sales tax revenues to pay for our  
18 infrastructures, our swimming pools, our  
19 libraries, everything that makes a community  
20 a good place to live, and all that real  
21 estate taxes that it takes to run our schools  
22 sufficiently, build new schools like the one

1     that's up just a few hundred feet from the  
2     railroad. And that's what my biggest concern  
3     is. Thank you.

4                 MR. GARDINER: Okay. Mr. Keyes.  
5     And then Tom Maher.

6                 MR. KEYES: I'm Jim Keyes. I have  
7     submitted a written statement. This will be  
8     a brief summary of that. I am a longtime  
9     resident of Pierre. I love this city and am  
10    very loyal to Pierre. Of all the cities in  
11    the world, this is where I choose to live.  
12    I'm here today to testify on behalf of the  
13    Associated General Contractors of South  
14    Dakota, which is a trade association of 320  
15    companies that work in the highway heavy  
16    utilities construction industry. And I want  
17    to offer some comments about economic  
18    development and some of the benefits of this  
19    proposed project.

20                We support the application because  
21    we believe it will enhance economic  
22    development, as well as increasing energy

1 independence; and will benefit the industry  
2 that I represent, which is the construction  
3 industry of South Dakota. With regard to  
4 economic development, we think that producers  
5 will have new market opportunities. They'll  
6 be able to ship more economically. And new  
7 businesses will develop, creating thousands  
8 of new jobs in South Dakota and will be able  
9 to compete more effectively and efficiently  
10 on a national and international basis because  
11 of this.

12           With regard to energy independence,  
13 bringing coal to market more efficiently will  
14 assist the United States in becoming more  
15 energy independent by lessening our  
16 increasing dependence of foreign sources for  
17 energy. The revitalization of DM&E will help  
18 us accomplish this. Finally, with regard to  
19 my industry, which is construction, the  
20 effect of the new track construction or the  
21 rehabilitation of the new upgrades will  
22 greatly increase the number of construction

1 jobs, the amount of construction earnings,  
2 and the amount of tax revenues in South  
3 Dakota.

4 Altogether, there will be 684 track  
5 miles within South Dakota. This is going to  
6 create almost 5,000 construction job years  
7 increasing construction wages of 166 million  
8 and adding \$18.5 million to tax revenues.  
9 It's my hope, not only as a representative of  
10 the construction industry, but as I say, a  
11 person who loves this town, that we'll be  
12 able, in the end, to couple the economic  
13 benefits while taking account of the social  
14 concerns of cities like Pierre. And I hope  
15 that is the end result. Thank you very much.

16 MR. GARDINER: Tom Maher. And then  
17 Robert Hardwick.

18 MR. MAHER: My name is Tom Maher.  
19 I live here in Pierre and grew up. I think  
20 the feeling of a lot of people is really not  
21 against the railroad. We're not against the  
22 railroad entering into a big deal and having

1 a big contract and receiving the monies that  
2 flow with that. What we're asking about is  
3 when you change the usage from what was with  
4 this line when it first came into our  
5 community to what is going to be proposed,  
6 have we changed in quantity and quality the  
7 use that was contemplated when this line was  
8 put in?

9           If you look at history, this line  
10 was put in in 1882. President Arthur was the  
11 president then. And it was put in to help  
12 these little communities grow throughout the  
13 west. And the railroad got land free and  
14 they were able to sell land. And the  
15 railroad came into town and they got a  
16 railroad right of way to bring their train in  
17 and bring passengers in and to bring the  
18 mail. And they got the right free for a  
19 depot.

20           And all of the years that Pierre  
21 had this railroad, it was welcomed. And it  
22 would bring the mail and bring passengers.

1 And even when I lived here in 19 -- or when I  
2 was a kid in 1950, it would stop here at our  
3 depot and pick up the creamery from the  
4 farmers and so on. But that depot is gone.  
5 There are no passengers that stop here any  
6 more and get off and populate.

7           The use that we're talking about,  
8 changing now, is not that railroad that came  
9 to town to help the town. It's a pipeline.  
10 You might as well say it's a coal pipeline.  
11 When you're running 30 to 40 trains a day,  
12 you're running a coal pipeline and you're  
13 going to produce volumes of money. So what  
14 we're talking about is what is fair when  
15 you're going to do that? Should you put all  
16 that burden of that pipeline and that  
17 tremendous flow of money on the people that  
18 live along that little track that was  
19 supposed to bring people here and the mail  
20 and pick up the milk?

21           Okay. We've changed. And the use  
22 has changed. And we're not just talking

1 about this year. 1882 is 120 years ago.  
2 We're talking about the next 150 years of  
3 what's going to be. It happened to this  
4 little town right here. And so I say, if  
5 they're going to have that kind of money and  
6 that flow, more power to them. But fund it  
7 --

8 MR. GARDINER: 30 seconds.

9 MR. MAHER: -- charge it, and build  
10 the railroad. Okay. And build the bridge  
11 and cross down Antelope Creek. The fisherman  
12 will like it. They'll think it's beautiful.  
13 We always thought that our bridges were  
14 beautiful. We take pictures of our bridges.  
15 We float underneath them and fish underneath  
16 them and water-ski around them. We love  
17 them. It's not a hazard to the fisherman or  
18 the boaters.

19 But what I am saying is that we  
20 know that that little bridge over there is a  
21 relic. It is past its usefulness. When I  
22 helped to get a unit train in Fort Pierre,

1    this same railroad told us, "We won't  
2    guarantee you that unit train can be used if  
3    that bridge goes down. It cost too much to  
4    build it." Are we okay on time?

5                   MR. GARDINER: You're over your  
6    time.

7                   MR. MAHER: Okay. Just to finish  
8    up. I'm sorry. But I guess what I would say  
9    is think about this. Because the decision  
10   you're making is not just today, it's the  
11   next 150 years from today. That's all I  
12   have.

13                  MR. GARDINER: Thank you.

14                  MR. HARDWICK: Good evening. My  
15   name is Robert Hardwick. I'm the  
16   owner/operator of the emergency services here  
17   in Pierre, and have been the operator for the  
18   last 22 years. I realize at this point in  
19   time the train has not traveled through  
20   Pierre that often, but I will guarantee you  
21   that it had adverse effects already on my  
22   service. I have, more than once, had to go

1 around the train to alternate crossings  
2 because the train was crossing the one  
3 closest to the hospital.

4 Not too long ago, I had a fairly  
5 prominent individual who lived east of Pierre  
6 in cardiac arrest. I came in to deliver him  
7 to the hospital and had to cross under the  
8 viaduct here because of the train. Did that  
9 have an adverse outcome on the patient?  
10 Probably not. But if we get 35, 40, 50  
11 trains going through town, or more, I will  
12 guarantee you it will have an adverse effect  
13 on a patient's outcome some day. And as the  
14 old saying goes, I will probably be DM&E's  
15 worst nightmare if that happens.

16 We have ordinances, failure to  
17 yield to emergency vehicles, et cetera. I  
18 feel that when the train is crossing the  
19 tracks and I can't get through, it's failure  
20 to yield to an emergency vehicle. And I  
21 guess probably what will have to happen at  
22 some point in time is a complaint signed, and

1 we'll find out who can win and who will lose.

2           If this goes through -- and I am  
3 going to speak with the commissioners from  
4 the city of Pierre and see about ordinances  
5 drawn up for speed limits, times of day that  
6 it can go through town. I'm kind of getting  
7 irritated at 2 o'clock in the morning to have  
8 the train whistle blowing and waking me up.  
9 And I know that we have a noise ordinance  
10 that maybe needs to be enforced to see how  
11 that will outcome.

12           So I'm not against DM&E's idea. I  
13 am totally against it coming through Pierre.  
14 And I would hope that you would take into  
15 consideration the predicament I may be in  
16 someday, trying to explain to a family member  
17 what happened to the patient I was  
18 transporting because I had to go clear around  
19 a railroad or the train to get to an  
20 alternate crossing. Because I will guarantee  
21 you there will be the day that it will have  
22 an adverse effect on an outcome of a patient,

1 and I really don't want to be the one that's  
2 taking care of that individual and having to  
3 explain that to the family. Thank you.

4 MR. GARDINER: The next person I  
5 have is Tom Huber. Now, I'm going to go back  
6 through and check and see if other people  
7 have arrived on our list to see if we've past  
8 those.

9 MR. HUBER: By way of introduction,  
10 I'm a 38-year resident of Pierre.

11 MR. GARDINER: State your name.

12 MR. HUBER: My name is Tom Huber.  
13 I'm a family physician, 38-year resident of  
14 Pierre, and practicing family physician for  
15 20 years. Our first comments would be a  
16 great thank you to introduce Rick Jorgensen  
17 for all of the water that's going to hauled.  
18 And now it's time for the rest of the town to  
19 get with the program. I think we're doing a  
20 good job.

21 The second item, I'm here to speak  
22 about the public and personal health issues

1   that are being raised by a train going  
2   through town as fast as it's supposed to go.  
3   I sat in a restaurant in Laramie, Wyoming,  
4   Saturday night. I have a daughter that goes  
5   to school out there. About 30 yards away  
6   from a train that goes through town as fast  
7   as it's going to go through here, and it's  
8   scary, very scary to watch that thing go  
9   through.

10               If it ever is going to run into  
11   anything, there's going to be death and  
12   destruction that's going to happen quickly.  
13   Think of where this rail line goes. Think of  
14   the number of people who have businesses and  
15   homes that close to this rail line. And  
16   think of one derailment going that fast, and  
17   think of the destruction that you're going to  
18   see, the death that you're going to see. And  
19   all it has to do is happen once. And  
20   everything is allowed to happen once.

21               I don't know what the track record  
22   is; don't care what the track record is. You

1     don't run a train through a town like this,  
2     with as many people and businesses, that  
3     close, that fast, without some day paying the  
4     price of mortality and fatality. And are we  
5     willing to accept that? I don't believe we  
6     are, and I don't think you are. That's  
7     another reason to think about taking this  
8     rail line somewhere else around this  
9     community.

10           If you need to see these trains,  
11     take a quick trip out to Wyoming. You don't  
12     have to go very far to see them. They're  
13     big, they're loaded, and they go very fast,  
14     very fast. I think that we, as a community,  
15     should consider, if we have to, what our  
16     legal options are in regard to city legal  
17     options, county, state, or federal. If a  
18     decision is made unilaterally that this is  
19     going to happen, then we need to go about  
20     stopping it. Thank you.

21           MR. GARDINER: Okay. I'm going to  
22     check back through our list for those people

1 who have arrived late. Is Roger Chase here?

2 Okay. Robert Blaford? Okay. Tom Mctough?

3 Dale Gilyerd? Okay. Karl Fischer? Okay.

4 You'll be up next. Allen Aden or Adent?

5 MR. ADEN: Here.

6 MR. GARDINER: Okay. You're going

7 to be up on deck. Patty Stoser? Okay.

8 Let's start with Mr. Fischer. And then Mr.

9 Aden.

10 MR. FISCHER: My name is Karl

11 Fischer. I own a business in Pierre. I live

12 in Fort Pierre. And we don't have a railroad

13 underpass in our town over there. If your

14 train is 1.4 miles long, it will cover every

15 crossing in the whole city of Fort Pierre.

16 That's from Highway 14/34 to the south side

17 of the Bad River. There is a trail that was

18 put underneath the trestle of the bridge this

19 summer. This is the Bad River bridge. And I

20 drove that tonight, just drove over it and

21 looked at it, and it is barely one car wide.

22 And you have to go down in the ditch. And if

1 the Bad River ever rose to flood, you  
2 wouldn't be able to use that. So I guess  
3 what I want to point out is a train a mile  
4 and a fourth long is going to cover every  
5 crossing in Fort Pierre, South Dakota.

6 Also, I am not against the  
7 railroad, but I am in favor of the bypass.  
8 This area just cannot have 30 trains going  
9 through here. And I think I'm being  
10 conservative with 30. 37 is what I've heard.  
11 But 30 trains going through here every day.  
12 Excuse me. That wasn't me. I'm breathing  
13 too heavy. Anyhow, I don't want to use my  
14 three minutes.

15 Okay. Well, I hope you see the  
16 point that I'm trying to make. It's real bad  
17 over in Fort Pierre for a fire. The town is  
18 divided by the railroad, east and west. And  
19 if we don't have access to both sides, I  
20 don't know how you fight a fire. I don't  
21 know how you get an ambulance over there.  
22 And if you get them over there and the train

1 comes back, I don't know how you get them  
2 back. Thank you very much.

3 MR. GARDINER: Okay. I'm going to  
4 check on others. Is Father Dale Kutil here?  
5 Okay. You're going to be up next. Is Bill  
6 Fischer here?

7 MR. FISCHER: Right here.

8 MR. GARDINER: Okay. You're on  
9 deck.

10 MR. ADEN: Thank you. I come to  
11 you as the police chief for the city of  
12 Pierre. Allen, that's A-L-L-E-N, Aden,  
13 A-D-E-N. I gathered some facts and watched a  
14 little bit as to what demand or impact this  
15 would have on the Pierre Police Department  
16 and its ability to respond to the needs of  
17 the citizenry of this community. I took a  
18 straw poll in my officers to ask how often,  
19 during an eight-hour shift, they would  
20 probably cross the railroad tracks in the  
21 city of Pierre. And I got everything from 20  
22 to 50 times per eight-hour shift. So let's

1 look at 30 times. So in a 24-hour period,  
2 one patrol car is required, in order to serve  
3 the citizens of this community, 90 times.

4 And that draws me a concern that if  
5 we have the number of trains going through,  
6 what impact that will have. Now, granted, a  
7 police car is a little different than an  
8 ambulance or a fire truck, in that is we can  
9 easily get around. However, we're going to  
10 be caught up in the same vehicle gridlock  
11 that's going to be caused by this backup as  
12 any other car out there.

13 And people will say, "Well, then  
14 quickly go around and use the viaduct."  
15 Well, that's -- on paper that might be great.  
16 However, every other motoring public, every  
17 other citizen out there that's operating a  
18 car is going to do the same thing. So we're  
19 going to end up with our secondary roads, our  
20 secondary byways in the city becoming our  
21 main arteries, one of them going right past  
22 the front of our capitol, which also goes

1 across the front of our junior high. Along  
2 with that traffic, we already have a high  
3 pedestrian traffic issue there, a safety  
4 issue. So I just foresee some major concerns  
5 developing there.

6 This is a small community. We  
7 average -- this year we will have over 20,000  
8 calls for service that we receive from our  
9 citizenry. That means we -- let's just split  
10 it down the middle. We've got 10,000 on one  
11 side of the railroad track and 10,000 on the  
12 other. Out of those 10,000 on each side,  
13 about 2,500 require two officers to respond  
14 because of the type of call they go on.

15 The result being, right now, I can  
16 pretty much depend on the officer that's on  
17 the north side of the tracks being able to  
18 scoot across and back up the officer on the  
19 west side of the tracks. Because we  
20 basically run two squad cars out on the  
21 street and patrolling this community. We  
22 will then have to generate an additional two

1 cars to make sure that there are backups  
2 available to the officers that are out there.

3 Those are concerns I have. I thank  
4 you for hearing me out. I welcome you to the  
5 city of Pierre. I'm new to this community.  
6 I think it's paradise, and I don't want it  
7 ruined. Thank you.

8 MR. GARDINER: I'll check again.  
9 Bill Fischer? John Moisan? Okay. Bonnie  
10 Fischer. Okay. You're going to be on deck.

11 FATHER KUTIL: First of all, I want  
12 to tell you I'm not representing God right  
13 now. Although, I just had a church service  
14 and the train that just went through  
15 interfered with Holy God, and we praise thy  
16 name of the whistle. So I just thought I  
17 would tell you that that is one, and that I  
18 think if we had service and we had 30 some  
19 trains going through, I'm not sure exactly  
20 who went out.

21 I'm from Fort Pierre, Father Dale  
22 Kutil. I live on the west side of the track.

1 And just recently I was flown to Sioux Falls  
2 for a heart condition, and had I needed that  
3 ambulance and there would have been a train,  
4 I may not be here right now. So that really  
5 concerns me. It really concerns me. Last  
6 week we had a fire right behind the church,  
7 and one of my parishioner's home burned. And  
8 if there are trains going by, as many as they  
9 say there are going to be, how are we going  
10 to have any emergency service? Because it is  
11 -- as Mr. Fischer mentioned, Karl, when a  
12 train goes by, you don't get by.

13 Right now, I want you to know that  
14 every two weeks I have to postpone services  
15 by ten minutes because of the trains that go  
16 by now. I don't get excited. We just sing  
17 one more entrance song. That's all.  
18 Everything goes along fine. Nobody is  
19 complaining about that. But if this would be  
20 every week and every week...

21 And again, I heard people say the  
22 track was put there and the train has a right

1 to be there and all of this. I like trains.  
2 You know, I always wanted a little train when  
3 I was a kid, but I never got one. But I  
4 think if they could just bypass this area and  
5 make it safe for a lot of people, we could  
6 all be served without a lot of hurt or a lot  
7 of pain and a lot of disruption in our  
8 community. And we do have a beautiful  
9 community that we live in here. Thank you.

10 MR. GARDINER: Bill Fischer. Okay.  
11 Great.

12 MR. FISCHER: My name is Bill  
13 Fischer. I'm a resident of Fort Pierre. My  
14 business is in Pierre. I'm here to plead the  
15 case from a different angle. First, I would  
16 like to say that I am in favor of the coal  
17 line, but only if it bypasses the Pierre/Fort  
18 Pierre area. I have extreme questions as far  
19 as some of the information that came out on  
20 the initial proposal, as far as a cost for a  
21 bridge or a diversionary route as far as the  
22 proposed coal line.

1                   But let me say, first off, that my  
2   home is 111 years old. It's a National  
3   Historic Registry home. It is 150 feet from  
4   the railroad. It's very special to me. And  
5   so even though I'm very fond of that, I am  
6   not here to talk about that. On the other  
7   hand, my business is within 200 feet of the  
8   railroad, and I am not here to talk about  
9   that, even though I could make a case for  
10  both.

11                  What I'm here to talk about is what  
12  you're going to do to a very unique  
13  community. The community of Fort Pierre is  
14  the most historic community in this state,  
15  maybe in the northwest. It started in -- if  
16  you go back, the first white settlers in Fort  
17  Pierre, prior to Fort Pierre, but they were  
18  there. There were explorers in 1743. Then  
19  Lewis and Clark came along in 1804. Pierre  
20  Chateau came and built a fort in 1831.  
21  Cavanaugh was here in 1832, and so we went.  
22  And it was always a unique area for tribal

1 people. They enjoyed this area and --  
2 because it was a place they could trade; and  
3 they traded very, very favorably on very  
4 favorable terms. So even though Fort Pierre  
5 was a fort, it was a merchant fort.

6 Now, let me fast forward this and  
7 say that Fort Pierre -- and I know better  
8 than anyone. I was born here and have spent  
9 the bulk of my life here. My family has been  
10 here since 1889, and we're very proud of the  
11 fact that Pierre and Fort Pierre --

12 MR. GARDINER: 30 seconds.

13 MR. FISCHER: -- have been very  
14 good to us. But the long and the short of it  
15 is that we have put together, after 14 years,  
16 congressional legislation to establish a  
17 place called a reconciliation place that will  
18 bring the tribes together in the state, along  
19 with the nontribes to work. And this is an  
20 \$18 million build that has passed the House.  
21 It's pending in the Senate, and I understand  
22 it will pass the Senate.

1                   I really would like -- I'm going to  
2    tell you that if you do what you're proposing  
3    you will, cut the heart out of this most  
4    historic community -- and we think we have  
5    something to sell and we're very, very proud  
6    of where we're at today. Thank you.

7                   MR. GARDINER: Okay. Bonnie  
8    Fischer. And then Jean Coull, you'll be up  
9    next.

10                  MS. FISCHER: Good evening. My  
11    name is Bonnie Fischer. And I thank you, the  
12    Surface Transportation Board, for being here  
13    to intently listen to the citizens of South  
14    Dakota and what we have to say about bringing  
15    DM&E Railroad through our communities. I am  
16    not opposed to the expansion of the railroad;  
17    however, I do not want it to come through our  
18    Pierre and Fort Pierre communities.

19                  I come here tonight as a concerned  
20    resident of Fort Pierre and Pierre community,  
21    having lived in the area since 1952 when my  
22    family moved to the area to farm and ranch.

1 My two daughters went to elementary school,  
2 junior high, and high school in Pierre. I  
3 owned a business in Pierre for approximately  
4 ten years, and I recently moved back home.  
5 Yes. Home. I consider Fort Pierre and  
6 Pierre as my home, even though over the past  
7 48 years I have lived in approximately eight  
8 different states.

9 I ask myself, why do I keep coming  
10 back to South Dakota, my home? Well, the  
11 reasons are numerous. However, I would like  
12 to just name three this evening, due to lack  
13 of time. One is quality of life. Quiet  
14 neighborhoods with clean air is a second.  
15 And thirdly, safe living for our children and  
16 grandchildren, which are our future  
17 generations.

18 I'm one of the 19 residents of the  
19 Fort Pierre area who live next to the train  
20 tracks in a historic 1889 home, which my  
21 husband just mentioned. It makes me shudder,  
22 and I mean absolutely shudder, to think of

1    how DM&E will destroy our Fort Pierre and  
2    Pierre communities. Every 37 minutes a train  
3    will come through town? We can say good-bye  
4    to our quiet neighborhoods, safe environment  
5    for our children, and clean air.

6               Our home now has a deck, and it has  
7    a blackish gray film on it with the few  
8    number of trains that come through town now.  
9    With 30 trains plus coming through our town  
10   every day, we would need to think about  
11   changing the color of our home to coal gray.  
12   I don't think that's an appealing color. As  
13   it is now, when a train comes through our  
14   backyard, the floor in our home shakes and  
15   the whistle obnoxiously blows. I will have  
16   that to look forward to every 37 minutes of  
17   every day.

18               MR. GARDINER: 30 seconds.

19               MS. FISCHER: It will be impossible  
20   to recruit folks young, old, or middle-aged  
21   to move to a coal train community. Let's  
22   rethink the idea of running coal trains

1 through this community and having each of our  
2 intersections blocked for a minimum, a  
3 minimum of 4.6 minutes with each train. I  
4 urge you, please, do bring the train on a  
5 bypass around the Fort Pierre and Pierre  
6 communities for the good of every citizen and  
7 our future generations. Thank you very much.

8 MR. GARDINER: Next, is Don Higgins  
9 here?

10 MR. HIGGINS: Yes.

11 MR. GARDINER: Don, you're on deck.

12 MS. COULL: My name is Jean Coull,  
13 and my husband and I live on North Harrison  
14 Street here in Pierre. And we're both  
15 retired. And my husband and I expected that  
16 we could always think that we could be safe  
17 here. Well, in my husband's old age, which  
18 is 80 now, he has been having some health  
19 problems, including heart attacks. Where we  
20 live on North Harrison, you can go right down  
21 the hill and over the Harrison Street through  
22 the track now and get to the hospital very

1 quickly.

2                   And when he had his first heart  
3 attack, I went and I got him in the car and  
4 went right down the street, and there was no  
5 train there and no problems or anything, and  
6 I got him to the hospital and they got him  
7 out of it. And he afterwards had a bypass  
8 operation. And he's had several health  
9 problems since that time.

10                   And between me and Bob Hardwick and  
11 his ambulance, we always manage to get him  
12 there when he's supposed to be. And so far  
13 is good. I just hate to think of having to  
14 get up in the middle of the night some night  
15 and have Bob, who lives up around the corner  
16 from us a ways, and myself, have to be  
17 responsible to getting him to the hospital in  
18 time to save him again. And I favor the  
19 bypass as long as it doesn't come through  
20 Pierre.

21                   MR. GARDINER: Mr. Higgins. And  
22 next I have Carla Sahr.

1                   MR. HIGGINS: I'm back on my  
2   squeaky wheel again looking at the documents  
3   that we're asked to talk about here. The  
4   Pierre bypass is very important. But we also  
5   have national issues involved in these 32  
6   pounds of documents, 2,000 pages, plus the  
7   Corps of Engineers' material. Maps are on my  
8   mind, because if the maps are not clear on  
9   this project, how can we know the impacts?  
10   How can any government agency know the impacts  
11   if we don't have accurate maps with accurate  
12   descriptions of sidings and full disclosure  
13   on the maps?

14                  My problem is with the sitings.  
15   Volume I is inconsistent and incomplete,  
16   showing sitings from 1.5 miles to 15.3 miles.  
17   Not stated -- 3 to 7 miles as stated in  
18   Volume I. So to me, as I read this and try  
19   to figure it out on maps that I don't have,  
20   it looks like incomplete double tracking is  
21   what the DM&E is up to. And that's  
22   unacceptable, because double tracking down

1 the line years from now, would that be  
2 allowed? Would that be under the same  
3 permit?

4 What's the issue here? Well, the  
5 issue is poor maps. The issue is incomplete  
6 maps on the coal mine places. Is the DM&E  
7 really wanted by the mines? Do the mines  
8 have load out facilities in Wyoming? So we  
9 have multiple issues here. And, of course,  
10 my favorite one

11 -- I must admit that I do favor the  
12 no build in the national interest. But my  
13 favorite one is statements that trains moving  
14 faster, that is, with shorter waiting time at  
15 crossings are safer.

16 There was a man named Isaac Newton,  
17 many years ago, who said force equals mass  
18 times acceleration. Force equals mass times  
19 acceleration. That was before any railroad.  
20 The idea is that if that train is coming  
21 through Pierre or the bypass rapidly and it  
22 wrecks, a broken wheel, some accident, then

1 the faster the train, the larger the impact  
2 when the train derails.

3           There's a statement in that  
4 wonderful EIS about in the unlikely  
5 possibility -- in the unlikely event of a  
6 derailment, the finest railroads in the world  
7 right now hauling coal out of Wyoming,  
8 hauling other products derail, not because  
9 they like to derail, but because this is not  
10 human error involved. It is the basic  
11 physics.

12           And the idea of force equals mass  
13 times acceleration may sound weird to you,  
14 but that's the reality of unit coal trains in  
15 motion at any speed. So don't buy the idea  
16 that the faster the train is going through  
17 Pierre or any place, Rochester, Mankato,  
18 Brookings, that it is going to be safer.  
19 Because the faster the train, the more impact  
20 when she wrecks. Thank you.

21           MR. GARDINER: Ms. Sahr.

22           MS. SAHR: My name is Carla Sahr.

1 I live in a home which is out on the National  
2 Register of Historic Places located two and a  
3 half blocks north of the Highland Avenue  
4 railroad crossing in Pierre, South Dakota.  
5 The 1910 home was designed by an architect  
6 from Minneapolis, and is extremely well-built  
7 with a stone wall around it. The house  
8 shakes, lamps rattle, beds jiggle when the  
9 train goes east at about 6 p.m. and 2 a.m.  
10 This is a loaded coal train. This is a new  
11 phenomenon and must be causing structural  
12 damage to the home. Other homes in the area  
13 experience the same shaking. I urge you to  
14 please consider the bypass for Pierre. Thank  
15 you.

16 MR. GARDINER: Okay. I understand  
17 Patty Stoser is here now.

18 MS. STOSER: Hi. I'm Patty Stoser.  
19 I live one hop, two jumps, and a skip from  
20 the railroad. When you sit in my living  
21 room, you don't have to put your quarter in  
22 because you can feel it. I guess I'm

1 concerned because it's one-half block from  
2 the high school, the middle school, and the  
3 grade school. I guess I'm concerned about  
4 the safety. We have opened our door to find  
5 kids crawling on the train right now as we  
6 speak. The kindergartners going in the  
7 morning shift, the kindergartners going in  
8 the afternoon shift.

9 I guess I'm concerned about the  
10 safety. I've raised three boys, and any one  
11 of my boys would zoom to get across because  
12 the train was coming. I mean, what

13 -- I guess what's that going to do  
14 with 30 trains or however many going across  
15 our city? And what's that going to do to the  
16 value of my property? Is someone going to  
17 buy that home that sits right in a great  
18 location from the grocery store, the church,  
19 the school? What's that going to do to the  
20 value of my property? Thank you.

21 MR. GARDINER: The last name I have  
22 to check is Laura Selken? Okay. And that

1 concludes the list of people who signed up to  
2 speak. Is there anybody else here who didn't  
3 get a chance to speak that has something to  
4 say or a comment you would like? If we want  
5 to take this lady first, and then the  
6 gentleman. If you could just tell us your  
7 name. We'll start with that.

8 MS. BRAKKE: Hi. My name is Debbie  
9 Brakke, and I am affiliated with St. Mary's  
10 Healthcare Center and have been with St.  
11 Mary's for 22 years. I'm here tonight to  
12 just reiterate some of the safety concerns  
13 that other people have provided testimony on,  
14 and maybe give you a few numbers. The impact  
15 of expanded rail traffic on the existing  
16 track could be life-threatening to many of  
17 the patients that we serve, especially  
18 through our emergency services.

19 Last year alone, our emergency  
20 department treated over 5,000 patients. And  
21 of these, almost 1,000 of them ended up being  
22 admitted to acute care. So there are real

1 numbers behind some of the other testimony  
2 that you've heard. Therefore, the  
3 consequences of decreasing the accessibility  
4 for our emergency services could be drastic  
5 for the community that we serve. And so  
6 therefore, having an expansion to the rail  
7 traffic through the city is not acceptable.  
8 A bypass would be acceptable. Thank you.

9 MR. GARDINER: Doug.

10 MR. DAY: Hi. My name is Doug Day.  
11 I'm a small business owner of two convenience  
12 stores, one in Fort Pierre and one in Pierre.  
13 Both of them currently stand about 20 yards  
14 from the tracks. And the address on the one  
15 is 1515 East Wells, and 501 North Deadwood in  
16 Fort Pierre. Both stores are next to street  
17 crossings, thus, I have to deal with the  
18 noise and traffic congestion.

19 A couple weeks ago they were  
20 installing new tracks at the intersection of  
21 Harrison and Wells. During those days of  
22 construction, two of my businesses closed,

1 causing me a loss of about 25 percent of my  
2 businesses. I bring this up because the same  
3 thing happens when the train comes through.  
4 It causes traffic backups, thus allowing  
5 vehicles to pile up.

6 With the addition and the frequency  
7 we're dealing with now, I mean, what's a  
8 business owner to do? I'm convinced that if  
9 the train traffic increases to the proposed  
10 levels, those customers will go elsewhere due  
11 to the inconvenience and annoyance of the  
12 trains.

13 Another issue I deal with is  
14 pollution, which a gal brought up a little  
15 bit ago dealing with the dust and stuff that  
16 does come off of these coal trucks, and it  
17 will affect my business on both sides of the  
18 river.

19 My Fort Pierre location is  
20 currently located next to a small park. And  
21 I've come to learn that this park is owned by  
22 the railroad, but it's maintained by the

1 city. And currently, I have travelers that  
2 use that to walk, to exercise their pets, for  
3 their kids to run in and stuff. And, you  
4 know, current usage of such a park will cease  
5 if these high speed coal trains pass by.

6           You know, there again, property  
7 value has come up. You know, I've already  
8 started to see a drop in communities where  
9 the expansion is planned. This railroad  
10 expansion will greatly affect the value of my  
11 investment and can play a major part, you  
12 know, if and when it comes time to sell.

13           And then lastly, I am a member of  
14 the volunteer fire department of Fort Pierre.  
15 And currently, you're aware that we do not  
16 have an underpass or an overpass. A gal  
17 brought it up just last week we had a house  
18 fire. And our response time is a direct  
19 reflection on whether we can save that home  
20 and the homes around it. And I think it  
21 would be extremely imperative if something  
22 isn't done and we have to sit there and wait.

1 Half our community sits on one side of the  
2 tracks.

3 And also, if you're familiar with  
4 the summer we had, the high fire index, I  
5 feel we've chased fires around caused by  
6 trains, too. It is a concern. I'm not  
7 against, you know, the train coming through  
8 and --

9 MR. GARDINER: 30 seconds.

10 MR. DAY: -- progress and stuff,  
11 but I am for rerouting it around these  
12 communities. Thanks.

13 MR. GARDINER: Does anybody else  
14 want to provide a comment?

15 MR. WEGNER: I just got here. I  
16 hope you all had a good day. My name is Jim  
17 Wegner. I'm right next door of Wegner Auto  
18 Company. We're a new car dealership and used  
19 car dealership. We, of course, were  
20 concerned about the coal dust. What we have  
21 seen over the years is all of this property  
22 is sold from the railroad to wheat, private

1 business people, banks, businesses in town.

2 We bought all of our property from the

3 railroad back in 1970.

4 What we have seen is the

5 convergence of businesses closer to the

6 railroad, where we're only -- our property is

7 only 35 feet from the center of the tracks,

8 and that's just a little too close. And what

9 has happened with Sioux Avenue out here is a

10 convergence of four major highways and the

11 railroad into a funnel down here. The way

12 the hills line the hillside and going over to

13 Fort Pierre across the river, it's just

14 created a huge bottleneck down here.

15 And we would like to see -- if we

16 had a choice as a business person here, if we

17 had the option to purchase the land where the

18 railroad tracks lie now, we would be

19 interested in doing that and have the bypass

20 go around town and expand our business where

21 the railroad property is now. Have a spur

22 come in where they're able to back trains

1     into the elevator here and back trains from  
2     the spur south to the Fort Pierre elevator  
3     and out, or something that is feasible that  
4     could be done. But right now, we're just too  
5     close to the tracks, and it could create too  
6     many problems. Thank you.

7                 MR. GARDINER: Okay. John Boysen,  
8     and then Abby Ralhbun.

9                 MR. BOYSEN: Thank you. My name is  
10    John Boysen. I'm a Fort Pierre resident of  
11    some 30 years or so. The train really  
12    doesn't affect me, in a sense. It doesn't go  
13    through my backyard. But what I'm concerned  
14    with is the future of the city of Fort  
15    Pierre. For a number of years I've been on  
16    the Fort Pierre Economic Development  
17    Committee. I'm now president of the Fort  
18    Pierre and Stanley County Parent's  
19    Organization with the school.

20                If you look at Fort Pierre, Highway  
21    83 essentially divides Fort Pierre in half.  
22    The east half, east of the highway is between

1 the Missouri River and Highway 83. On that  
2 side of the highway, the city of Fort Pierre  
3 is faced with a dilemma with the Corps of  
4 Engineers purchasing homes and removal of  
5 homes that are in the flood line on the west  
6 side of the highway. Those folks that live  
7 there are faced with the nonavailability of  
8 their homes in-between coal trains.

9           And so I'm essentially concerned  
10 with what's going to happen to the city of  
11 Fort Pierre, in terms of who's going to be  
12 living there in the next 20 years with the  
13 indecision on behalf of the Corps of  
14 Engineers and with what's going to happen  
15 with the coal train, it's going to be very  
16 difficult for people in Fort Pierre to run to  
17 school, their city, and to get to their home.

18           And so, as you know, and you've  
19 probably heard before, the city of Fort  
20 Pierre is probably one of the most historic  
21 places in South Dakota, and so it's  
22 essential, I think, that you listen to all of

1 these folks and what they've got to say.

2 Thank you.

3 MR. GARDINER: Abby Ralhbun.

4 MR. RALHBUN: My name is Abby  
5 Ralhbun, and I've been a resident of Fort  
6 Pierre for a good many years. Like John, I'm  
7 very concerned about the future of our town.  
8 Additionally, one of my primary concerns is  
9 the proximity of the tracks to our three  
10 schools. They are all three located within a  
11 half a block. I can't see where that can  
12 help but disturb the education process and  
13 the safety. About half of our children live  
14 on the west end of town, which they would  
15 have to cross the tracks to get to the  
16 school. And many of our -- most of the  
17 primary kids do walk to school. And I think  
18 that's a very big concern. I certainly  
19 support the bypass. Thank you.

20 MR. GARDINER: Okay. Three more  
21 people. John Hanson, Mary Allen Garrett, and  
22 Joyce Sack. We'll put those in that order.

1                   MR. HANSON: Thank you. I'm here  
2   representing the Pierre Boys and Girls Club.  
3   I'm board president. The board has discussed  
4   this to an extent where we do have some  
5   issues with safety for the kids. No matter  
6   what assurances, I guess, are brought forth,  
7   things can happen. Back in '91, '92, we  
8   actually had an incident with one of our  
9   members. I should add that our facility is  
10  located at 110 South 3, which is just behind  
11  the baseball field. We work about 20 yards  
12  from probably the center of the track.

13                  And even though we have no control  
14  of the kids, you know, per se, outside our  
15  facility, we have had an instance where one  
16  of our kids were messing around in the tracks  
17  and they did happen to lose some fingers.  
18  They were putting pennies on the tracks and  
19  not doing what they should have been. But in  
20  either event, it's a serious event that  
21  happened.

22                  Our membership has risen over the

1 last ten years to about 550, which doesn't  
2 seem like much for a size of the community in  
3 Pierre, but it's actually grown quite a bit.  
4 Our average daily attendance ranges anywhere  
5 during the school year from 80 to probably  
6 120, 130 kids. During the summertime, our  
7 hours have changed. They're from 8 to 5:30  
8 p.m., and we've been getting anywhere from  
9 about 120 to 150 kids a day. Parents have  
10 left their kids at the facility because they  
11 know they're being taken care of.

12 Our parking lot, which is a  
13 city-owned parking lot, sometimes is hard to  
14 get in and out of. A lot of state employees  
15 park in there. So kids do have a tendency of  
16 not following or walking in the park, but  
17 they will cross the tracks. So I know there  
18 is an issue there. We do run dances almost  
19 every other Friday night, and we range in  
20 attendance anywhere from 400 to about 550  
21 kids at a dance. What I'm being told --

22 MR. GARDINER: 30 seconds.

1                   MR. HANSON:  -- is that a lot of  
2   parents are asking their youth, because of  
3   our parking lot situation, to park across the  
4   track in American State Bank's parking lot.  
5   And I realize it's not a real conducive thing  
6   to be doing either.  But nonetheless, they  
7   are doing that because it's easier to get in  
8   and out of, and they are walking across the  
9   track.  So, again, I guess I would urge  
10  probably the bypass in your decision, and  
11  that you would take into account the issue of  
12  our youth.  Thank you very much.

13                  MR. GARDINER:  Mary Ellen Garrett  
14  and Joyce Sack.

15                  MS. GARRETT:  Good evening.  My  
16  name is Mary Ellen Garrett, and I live at 501  
17  South Second Street in Fort Pierre.  Our  
18  property abuts the DM&E Railroad track.  I am  
19  concerned for many reasons.  The first, the  
20  property just to the south of me and then on  
21  to the west where the railroad track is,  
22  there is a trestle that crosses the Bad

1 River. Right now, when the trains come in  
2 loaded, the train has to slow down and cross  
3 that trestle very slowly because of the  
4 condition of the track. When the loaded  
5 trains go by my house at a very slow pace, it  
6 still shakes my house considerably. And I  
7 believe that we are about 100 feet from the  
8 railroad track.

9           My concern is if that trestle is  
10 upgraded and there is dirt involved, what  
11 will that do to the floodplain that affects  
12 the Bad River? I'm right now in a flood  
13 plain area, which I'm required to purchase  
14 flood plain insurance. I also know that if  
15 there's any sizable dirt being moved within a  
16 flood plain area, that FEMA will step in.  
17 And my concern is what will that do not only  
18 to my property, but to the floodplain in Fort  
19 Pierre?

20           We also have a possibility of a  
21 devaluation of our property because we are  
22 adjacent to the tracks. We do have a buffer

1 of trees between the railroad track and our  
2 property right now. My concern is that those  
3 trees would be removed if the track is  
4 updated. Our family encourages for you to  
5 consider a bypass. Thank you.

6 MR. GARDINER: Ms. Sack.

7 MS. SACK: My name is Joyce Sack,  
8 and I live on the other side of the railroad  
9 track that this lady just got through talking  
10 about. And going into our neighborhood,  
11 which there is approximately, I would say,  
12 100 homes, we have one way to get in and out.  
13 We have no other exit.

14 Two years ago or so, we had a  
15 derailment. And that train was derailed for  
16 approximately 10 to 12 hours. There was no  
17 way to get in or out of our neighborhood in  
18 case of an emergency. Since then, they have  
19 made a temporary one that goes under the  
20 tracks. But our big concern down there is  
21 with all the railroad, what happens if we  
22 have an emergency? We have absolutely no way

1 to get in and out, except that one way.

2 Thank you.

3 MR. GARDINER: Bob Sahr.

4 MR. SAHR: Thank you. Good

5 evening. My name is Bob Sahr and I live in

6 Pierre. I think one thing that all the

7 people in this room have in common is that

8 they want to live in a small town in South

9 Dakota, and they want to live in this

10 community. And I think one of the things to

11 keep in mind is that a lot of the great

12 communities in the Great Plains are faced

13 with dwindling populations.

14 And I can speak from my own

15 perspective when my wife and I decided to

16 move back to Pierre a number of years ago, we

17 just made the decision to live in a small

18 town. And a project like this might be the

19 sort of thing that might sway someone in

20 making a decision like that. It might affect

21 people who live here in the community now,

22 and it may have an unwanted affect of

1 discouraging people from living in a  
2 community like this and/or encouraging them  
3 to leave the community.

4           And I think that's something we  
5 need to keep in mind when we're talking about  
6 the bypass, is that, you know, we're sitting  
7 here with a statement that a lot of small  
8 towns are drying up and going away, and I  
9 think we have to do everything we possibly  
10 can to encourage people to live in towns like  
11 Pierre. And I fear that the bypass --  
12 without the bypass, Pierre may face the same  
13 grim prospects that a lot of other towns in  
14 South Dakota face. Thank you.

15           MR. GARDINER: Okay. Do you want  
16 to make a comment? Thank you.

17           MR. OLSON: My name is Stan Olson.  
18 I've been a resident of the city of Pierre  
19 most of my adult life. You probably noted  
20 the trains passing by behind me and maybe you  
21 have the lower speed duress, you can still  
22 here the noise in this building. As I look

1 at what's taking place here, I've been  
2 involved in different types of businesses,  
3 and my business plan has always been that if  
4 something don't make money, I eliminate it at  
5 no great expense. The railroad is looking at  
6 this bypass with that same thought in mind,  
7 to hold their expenses to a minimum to make  
8 the maximum profits with the people along the  
9 route having to pay the price so they can  
10 make more profits.

11 Now, the government is spending  
12 millions of dollars to correct environmental  
13 problems in the nation. Actually, I should  
14 say billions of dollars. We certainly don't  
15 want to create another one in our community  
16 here that has to be corrected to some method  
17 or some way in years to come. I look at the  
18 city having the opportunity to have an  
19 interstate bypass coming into the area. I  
20 was a little late, so this may have already  
21 been covered probably, but I shall repeat it  
22 in the event it hasn't.

1           Some 50 or so years ago, the  
2    decision was made not to build a bypass -- or  
3    an interstate connection to the city, the  
4    capital city of Pierre. And it's one of the  
5    few states in the nation -- I believe  
6    probably Alaska is the only other one that  
7    has a capital out on the interstate coming to  
8    it. Most certainly we don't want to cause a  
9    congestive condition here, environmentally  
10   unsound, spending millions of dollars to  
11   bring this interstate in here and then run a  
12   railroad through to cut the city in half so  
13   this is unsound and not a pleasant place for  
14   people come. I foresee the time when a strip  
15   city will be built north of Pierre. And this  
16   is an area --

17           MR. GARDINER: 30 seconds.

18           MR. OLSEN: -- that's unique in the  
19   sense that it attracts people because of its  
20   cleanliness. I would make one other point.  
21   I question the viability of this bridge they  
22   have. It may save \$50 million at this time

1 by coming through Pierre, but if they got to  
2 build a new bridge within a few years, this  
3 is not a positive thing to bypass at this  
4 time. Thank you.

5 MR. GARDINER: Okay. Any other  
6 people that haven't had a chance to make a  
7 comment that want to? Okay. Seeing none.  
8 Let me just remind you that if you made a  
9 statement or a written statement, feel free  
10 to drop it at the door on your way out.  
11 We'll get that in the record. Or if you  
12 filled out a comment sheet, drop that off.  
13 And you have the addresses to mail your  
14 comments, future comments by January 5th on  
15 the Draft EIS. And there's an earlier  
16 comment date on some of the other material.  
17 Okay. Thank's very much. I appreciate your  
18 comments, very thoughtful comments, and we  
19 appreciate it.

20 (Whereupon at 8:30 p.m., the  
21 PROCEEDINGS were adjourned.)

22 \* \* \* \* \*